

Mr. H. D. EVANS: I am quite happy to agree to the Minister's suggestion, and I think I speak for members on this side of the Chamber.

The CHAIRMAN: In order that the Committee stage of the Bill can be disposed of, I intend to continue this sitting after 6.15 p.m. If there is no dissentient voice to my proposal, I will not leave the Chair until after 6.15 p.m. if the Committee stage has not been completed.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

ADJOURNMENT OF THE HOUSE

SIR DAVID BRAND (Greenough—Premier) [6.14 p.m.]: I move—

That the House do now adjourn.

I would remind members of the possibility of the House sitting at 2.15 p.m. on Wednesday next. I would like the House to sit earlier on Tuesday, but that is not possible because there is a party meeting that day.

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 5th May, 1970

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

BILLS (17) : ASSENT

Messages from the Governor received and read notifying assent to the following Bills:—

1. Police Act Amendment Bill.
2. Anzac Day Act Amendment Bill.
3. Public Education Endowment Act Amendment Bill.
4. Education Act Amendment Bill, 1970.
5. Coal Mine Workers (Pensions) Act Amendment Bill.
6. Interpretation Act Amendment Bill.
7. Metropolitan Region Town Planning Scheme Act Amendment Bill, 1970.

8. Local Courts Act Amendment Bill.
9. Nurses Act Amendment Bill.
10. Statute Law Revision Bill.
11. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
12. Wills Bill.
13. Bank Holidays Bill.
14. District Court of Western Australia Act Amendment Bill.
15. Building Societies Act Amendment Bill.
16. Local Government Act Amendment Bill, 1970.
17. Kewdale Lands Development Act Amendment Bill.

QUESTIONS (3): ON NOTICE

1.

FUND RAISING

Use of Poker Machines

The Hon. R. THOMPSON, to the Minister for Mines:

- (1) Is it illegal to use coin operated poker machines as a game of chance in Western Australia?
- (2) Does the Police Department, or any other Government department have any of these machines in their possession?
- (3) Is the Minister aware that some of these are being used for fund raising purposes by some organisations?
- (4) (a) Has the responsible Minister at any time authorised the release of any of these machines; and
(b) If so, would he supply particulars and reasons?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) The Police Department does not have any poker machines in its possession.
- (3) No.
- (4) (a) No.
(b) Answered by (a).

2.

WHEAT

Quotas

The Hon. S. T. J. THOMPSON, (for The Hon. N. E. Baxter), to the Minister for Mines:

- (1) What was the total number of bushels of wheat received from over quota deliveries for 1969-70 harvest?
- (2) Will an equivalent number of bushels of wheat be deducted from quotas for the 1970-71 harvest?

The Hon. A. F. GRIFFITH replied:

- (1) 4.8 million bushels.
- (2) Yes.

3. **DAIRYING***Milk Deliveries*

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) What quantity of milk per week is taken—
 (a) in bulk; and
 (b) in bottles;
 by each of the following Institutions—
 (i) Noalimba Migrant Centre;
 (ii) Mt. Henry Home; and
 (iii) Ngal-a?
- (2) What price is paid by each of the above institutions per gallon for—
 (a) bulk; and
 (b) bottled milk?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) Noalimba Migrant Centre:
 Bulk, 220 gallons @ 59c. gal.;
 Bottles, Nil.
 Mt. Henry Home: Bulk, 70 gallons
 @ 62c. gal.; Bottles, 350 gallons @
 68c. gal.
 Ngal-a: Bulk, Nil; Bottles, 70 gal-
 lons @ 65c. gal.

Note.—The figures quoted for Noalimba represent average weekly deliveries. The supply fluctuates from 180 gallons to 330 gallons.

Supplies for the other two establishments are fairly steady.

STRATA TITLES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

MILK ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.45 p.m.]: I move—

That the Bill be now read a second time.

Resulting from the action of one milk treatment company which, in 1968, cut considerably the prices it tendered thereby winning most of the Government contracts from the other companies and gaining smaller contracts from individual milkmen, this Bill introduces price fixing for such contracts. The Bill proposes also the granting of milkmen's licenses in specified districts to supply specified bodies or persons.

In order that members might better appreciate the reasons for the introduction of this measure, I would point out that the

Milk Act requires that any person carrying on the business of a milk vendor in any district must hold a milk vendor's—milkman's—license for that district. Milk treatment companies and individuals also are licensed for specified districts.

The supply of milk to Government hospitals, institutions, and the like is restricted legally under the Act to persons licensed to vend milk in the district in which the particular hospital or institution is located. This position introduces legal problems of which Governments have been aware since as far back as 1933.

The Government is also aware of difficulties which arise from a milk treatment company submitting the lowest tender for an institution situated in a district for which the company does not hold the necessary license. The requirements of that district are normally met by existing licensed milkmen.

There is a present-day trend for milk treatment companies rather than individual milkmen to serve rounds consisting of milk shops or semi-wholesale trade and, for this purpose, insulated or refrigerated vehicles are used.

The board cannot, under existing legislation, restrict a company or person to serving specified trade. There may be issued only a milk vendor's—milkman's—license, which authorises household—retail—as well as shop and other semi-wholesale trade to be served. As a result, the issue of a milk vendor's—milkman's—license for the purpose of serving institutions or shops, permits a company or person, should it or he so desire, to compete for household trade—a trade which is much sought by vendors in a growing or developing district. These circumstances, which the Act permits to come about, can lead to the instability and acrimony that previously existed before the districts in the metropolitan area were subdivided into smaller districts. It is agreed by the board, generally, that the treatment plants are better equipped to serve shops than are the other licensed milkmen. Indeed, experience has shown that most milkmen prefer the household sales, which carry with them the greater margin.

For the smoother running of the industry, it is now considered necessary that the board be empowered to issue a milk vendor's license restricting the holder to serving specified trade. This restricted license would permit the servicing of shops or institutions where existing licensees do not elect to supply the trade or tender for contracts.

The liquid milk industry operates under a system of orderly marketing involving the fixing of prices and margins and rates for cartage and treatment. Prior to 1968, the companies tendered for Government

contracts generally in accordance with the area each serviced, and the smaller contracts in outlying areas were left to individual milkmen licensed for the particular district. But, as I have already indicated, one treatment company in 1968 took over most Government contracts by a substantial price cutting process.

The board is of opinion that, where prices are cut unduly, the industry must carry the concession. While the Government should obtain its large contracts at the most favourable price, there should be a minimum price in a stabilised and controlled industry commensurate with the goods and services involved.

The amendments now proposed will preserve the contract system of milk supply administered by the Government Tender Board, while, at the same time, satisfying the limitations imposed on a controlled industry under the Milk Act and avoiding the existing difficulties in the contract system of milk supply.

With the approval of Parliament, it is the intention of the board to fix for the institutions and authorities concerned a scale of minimum prices varying in accordance with the daily quantity of milk supplied. This scale of prices will be determined in conjunction with the Government Tender Board and will provide a reasonable margin above the wholesale price to enable both milkmen and treatment plants to tender. Not only will the Government contracts be affected by the amendments but the scale of prices to be applied will be extended to appropriate institutions not catered for by the Government Tender Board.

Another aspect of price fixing is also dealt with in this measure. This has been introduced on advice from the Milk Board to the effect that it is confronted with certain difficulties presently existing in the fixing of a separate price for milk used for cream production.

The current system of cream marketing, involving a reduction in the consumer price of cream, was introduced in December, 1967. This reduced consumer price was made possible by a reduction in the price to dairymen for the percentage of their contract milk used for the production of cream. Dairymen were then paid separate prices for milk to be sold as milk and a lesser price for milk used for cream production. Arising from doubts related to the legal position in fixing two separate prices, the board, as from the 5th April, 1968, fixed one price to dairymen for contract milk based on the percentage of the contract used for milk and for cream at the separate respective prices applying prior to the 5th April, 1968.

A certain amount of confusion, which is evident in the industry, is created when an alteration in the price structure for either milk or cream necessitates an

alteration in the price to dairymen. When the percentage of contract milk required for the cream market varies, this also requires an alteration in the price to dairymen. The marketing system involves treatment plants in being over-purchased at some times and under-purchased at other times on milk and also on milk for cream. Undesirable complications are created, as a result, in the trading records, which are required to show the balance for each company and the totals of milk for milk and the totals of milk for cream.

Both the Milk Treatment Plants Association and the whole milk section of the Farmers' Union concur with the board's current recommendation that it be empowered to fix a separate price to be paid to dairymen for milk for cream. A statutory provision of this nature, and as proposed by the Bill, will simplify the internal work of milk treatment companies and obviate misunderstanding and confusion in the minds of dairymen and, consequently, will lead to the smoother running of the industry to the general benefit of all concerned.

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

BUNBURY HARBOUR (EAST PERTH-BUNBURY) RAILWAY BILL

Second Reading

Debate resumed from the 30th April.

THE HON. J. DOLAN (South-East Metropolitan) [4.53 p.m.]: The purpose of this Bill is to obtain parliamentary approval for the construction of two spur railways associated with harbour development at Bunbury. In the first case, because of the new developments taking place, the existing line which provides rail access to the power house is to be cut. When this new line is built not only will it provide rail access to the power house but it will also provide rail access to a berth the provision of which is rendered necessary as a result of the passing of the Alumina Refinery (Pinjarra) Agreement Act.

Of the two the first spur line to be built is the more important. Although it is to be only 3 miles 54 chains long, the total cost involved—and that includes not only the construction but also any resumptions of land associated with the route that might be necessary—will be approximately \$400,000.

Once parliamentary approval has been obtained it is hoped to commence construction later this month and to complete the first spur line by October. This is necessary because of the agreement entered into with the alumina refinery company which is being established at Pinjarra. Obligations are involved both on the part of Parliament and on the side of the company, and at the port the Government must make provision, of course, for the handling and shipment of the alumina.

There is only one point I wish to raise and on which I would like the Minister to give me a reply. This refers to the fact that the Director-General of Transport says that the company—that is, the alumina refinery company—may at its discretion choose Kwinana as an alternative port of outlet. There are, of course, two ports involved—Kwinana and Bunbury—and I assume if the stage is reached where the company prefers to ship from one of these ports consistent with the agreement it must take a certain tonnage to Bunbury, and if it wishes to divert the major part of the rest of its production to Kwinana would it be at the company's discretion? Because the director-general has said in his report that this could happen. I would be glad, therefore, if the Minister could inform the House on this point. I can see that the company will stick closely to the terms of the agreement but I merely want to be satisfied in my own mind.

The Hon. G. C. MacKinnon: I understand it is not that easy to switch it to Kwinana but I will check on this. Its outlet is, of course, Bunbury.

The Hon. J. DOLAN: In his report, however, the director-general says the company may at its discretion choose Kwinana as an alternative port from which it would appear that it would not be quite so hard to switch as it might be thought. I would, however, like an assurance on the matter.

There is no immediate hurry for the second spur. The determining factors for its construction will be the acquisition of certain territory, together with the establishment of the wood chip industry and its development. It is not as urgent as the first spur line.

One of the thoughts that entered my head was in connection with the routes the spur lines are likely to take. I can understand the route to be taken by the first spur line because of the supply of coal which is to be brought from Collie and, therefore, it must naturally go through Picton Junction. However, in the case of the second spur line it appeared to me, particularly in connection with the rail cartage connected with the wood chip industry, that it might have been desirable perhaps to come in from the railway that runs from Northcliffe—which it is proposed to use. Instead of going to Picton and thence going back over its tracks, I wonder whether it might not have been possible to choose a shorter and perhaps a cheaper route.

There has been no mention of this in the report and I merely raise the query to see whether this could have been done. I have heard some criticism about the route which the second spur line is likely to take. There has been criticism because it runs close to a housing settlement and consequently this route might not be as desir-

able as an alternative route. It has been said that the line could be shifted a little further north—about half a mile further north—which would take it through open country away from housing settlements. If this were done it would not cause annoyance to the people concerned.

I understand that the contract provides that each year 200,000 tons of Collie coal will be supplied to the power house. In his report the director-general said that this traffic is very profitable—in fact it is so profitable that from the cartage of coal he expects to be able to finance the construction of the railway. In that respect I am referring to the ultimate payments. The profitability of the cartage of coal in the short-term operation is most desirable. I therefore feel that once both operations are in full swing—that is, the alumina company and the wood chip company—some consideration could be given perhaps to helping the coalmining company by granting a reduction of its freight costs.

It seems reasonable to me that if the coal cartage carries the burden in the initial stages then when the Government is adjusting freight rates later on—of course, the rates are already fixed so far as the alumina company and the wood chip company are concerned—it could give some consideration to the relief of the coalmining company.

Those on this side of the House have no objection whatever to the Bill. We agree that it is necessary to have some forward planning, but I would like the Minister in his reply to refer to the particular matters I have mentioned: that is, if the company will be able to choose whether it will continue to send over and above the agreed quantity of alumina to Bunbury, or whether it can choose to send it to Kwinana; the route for the freight from the wood chip company; and whether the present route of the second spur is the best that could be determined. With those comments I support the Bill.

THE HON. N. McNEILL (Lower West) [5.2 p.m.]: I wish to support the Bill and in so doing make some additional observations on the general mechanics, as I would describe them, of the construction of the railway, and the route it might take.

However, before I do so, perhaps I could just give an indication to the House of the nature of the work which is at present occurring in the development of the Bunbury Harbour. I have taken the opportunity in these last few days to have a very close look at the situation and I am sure members would be quite interested, and, in fact, I think even stimulated, by the changing appearance of the Bunbury area at the present time as the harbour developments take shape; and they are taking shape and are easily observed from

various vantage points within the town and also from along the approaches of the Australind Road and the Old Coast Road into Bunbury itself.

It has been mentioned, and in fact of course it is one of the purposes of the Bill, that authorisation is necessary to enable the supply of coal to the State Electricity Commission power station at Bunbury to be maintained. This is necessary because of the severing of the existing railway which is served from the Bunbury station. The earthworks have proceeded to a point where the main big dredge will be in a position to start operating within a matter of weeks of taking its cut into the beach in Koombana Bay and making access into an existing harbour pool which has been already dredged by a smaller dredging company. This harbour pool has already been developed and dredged to a depth of 38 feet and provides a nucleus for what will be the eventual harbour development.

In addition to this the bunds which will provide the additional harbour berths are already likewise well under way and, in order to give the opportunity for the dredge to open up the main cut and develop the harbour properly, the railway serving the power station will be severed. This is a matter of some urgency and, as Mr. Dolan said, this is the first need; that is, the spur referred to in the first schedule to this Bill. This will be a railway line of some three miles-odd taken from a point at some little distance east to the existing Picton station. It will then cut across rural land, and will skirt the present developments around the Preston River diversion which was completed some 12 months ago.

This line will serve, firstly, the power station, and, secondly, the harbour berth itself. It will be in the vicinity of the stockpiling area for alumina, once the delivery takes place from the plant which is being developed at Pinjarra; namely, the Alcoa refinery.

The developments are, in fact, very considerable indeed, and when I used the word "stimulating" I think that is the correct word because with the enormous area involved it gives to the whole region an atmosphere of real development and activity which I am sure is being felt, certainly by local people. In addition it is having a psychological effect on the rest of the hinterland in agricultural development as well as industrial development. Ultimately Bunbury will be developed into the major regional centre of the entire south-west.

I firmly believe that of all the steps which might, and have been, taken in this sort of development, the development of the harbour, with its facilities being, shall we say, preceded by at this stage the development of this railway line, will in it-

self do more than most other things to bring about the first complete regional development possible in Western Australia. For this reason I describe it as a very exciting development indeed.

The existing railway line—that is, the main line carried on beyond the Bunbury station—goes across what is known as "The Plug" and continues on to a terminus at the power station. The second schedule to the Bill provides that a spur line will be built, when the need arises, by continuing that main line on through the Bunbury station area, around to connect up with the first spur, or what is described in this Bill as the northern spur.

I would like to make an observation on this point. Mr. Dolan has queried whether the route might not be re-examined, particularly in connection with the second spur through Bunbury. I would like to emphasise that as the final route for this spur has not yet been determined—and I know this from discussions which have taken place—the route could be altered, and I believe that in the planning some variations in this route are in fact under serious consideration at the present time.

If we examine the site of these developments we will see that the second spur—that is, the one connecting with the Bunbury station—will be so placed to provide a perimeter to the harbour development and will back on to what could be the residential area in the vicinity of what is known as the Parade Hotel. This will be good because it will mean the entire harbour development—not only the two spurs which are proposed at the present time, but also any other spurs which may eventuate there—will be served by either one or both of these spurs.

However, I agree with Mr. Dolan that there is a need all the time to keep this matter under constant watch to make certain that the final route when determined will provide the minimum hindrance and inconvenience to the other developments, whether they be residential or otherwise, which will take place in this area.

On this point I would say that it would seem absolutely ideal to me that the railway line, as planned for in the Bill, will give the opportunity for very extensive development of handling facilities and all facilities of the major harbour as well as rail access, and I can compare the possibilities and potential in this area with that which exists in Kewdale at present with all goods transit and terminal services. We are developing something in Bunbury which will be the equal of Kewdale, and I think can well be cited as an item of very great credit to those involved in the initial and preliminary planning for this major enterprise.

A further observation I would like to make is that whereas the second schedule provides that the second spur will commence at a distance some two miles along the line as proposed in the first schedule, and then continue on to the Bunbury station, in actual fact what this really means is that the existing main line as it goes through Picton Junction and then into Bunbury will be continued in a round-about route until it meets up with the first, or northern spur, as it is called. I wonder—and I know this has been a matter of some discussion locally and elsewhere—whether in the future when the time comes for the development of this spur, and there is a real necessity for it as a result of the wood chip industry or some other development, it may be possible to discontinue the main line from Picton to Bunbury.

In Bunbury at present there are goods handling facilities, marshalling yards, and locomotive sheds—and particularly steam locomotive sheds—which are located virtually right in the middle of the existing town, and this is important. They are located in an area which is of necessity restricted because it is virtually between the main thoroughfare of the town and Koombana Bay and the harbour development. In other words, it is virtually a bottleneck; and if it is considered that the railway as it develops, with all the heavy traffic one would expect with a major harbour development, should continue on through the existing facilities, my view is that it will compound an existing difficult situation. I would strongly advocate that some very serious thought be given to this. It would certainly make some real estate available along that main line into Bunbury, which could be used for far more useful services—for communication or in some other fashion which suited the local council or other various authorities. At the same time it could make the present marshalling facilities available for other and more desirable development.

The alternative to this, of course, would be that goods handling facilities and marshalling facilities would have to be provided some place else, and it is logical that this place would be in the existing Picton area. I know that one of the objections which might be voiced locally in the Bunbury area to this alternative is that it would put the terminus and goods handling facilities some four or five miles out of Bunbury at Picton. However, if we can anticipate, and I am sure we can, the development of Bunbury—in respect of Alcoa it is anticipated there will be a population of 25,000 in Pinjarra and that in years hence eventually the population will be, say, 60,000 in Bunbury—we will realise it will be a very big town; and although the goods-handling facilities at Picton may today be some four or five miles from the town centre, in the years ahead, and after the second spur has been

built, they will be part of the town of Bunbury itself. In anticipation of the development that will take place in the future, I think this is a matter worthy of very great consideration.

With those observations there is very little more I can add other than perhaps to impress upon members that if they have an opportunity in the not too far distant future it would be a good idea for them to see what major developments are taking place in this area. Bunbury will be a very big harbour handling great tonnages in the future, and although perhaps, as a harbour, it does not rate very highly compared with some of the more recently developed ports in the north, it is handling well in excess of 1,000,000 tons of cargo per annum at the present time with the two land-backed berths and the jetty. So, with the eventual development of alumina, whether at Pinjarra or some place else, and with the wood chip industry, which we still hope to see eventuate, plus the development taking place in the hinterland, with the fruit industry and so on at Manjimup, we could have a facility which will be to the very great credit of those responsible for the preliminary planning. In addition, it will be a notable achievement in regional development and, in fact, in the development of Western Australia.

I suggest that members should take the opportunity to see at first hand what is happening in regard to the development at Bunbury; it is well worth a visit to see how the face of Bunbury is changing and, indeed, how the atmosphere of the whole of the south-west is changing because of the development taking place in that part of the State. With those comments I give my support to the Bill.

THE HON. V. J. FERRY (South-West) [5.18 p.m.]: It is not my intention to deal in detail with the Bill. However, I would like to express my appreciation for the project envisaged by the measure. During the course of the debate it has been stated that the proposed development of further railway works in the Bunbury area will prove to be of permanent advantage to the whole of the south-west region. I agree with that statement.

We have heard of the development of new industries in the south-west area generally and I would like to mention particularly the effect this development will have on the lower south-west sector of the south-west. I believe that the wood chip industry, which we hope will be established in the south-west, will in fact become a reality. I understand that at present the climate for the negotiations between the Western Australian interests and the Japanese milling interests is a little more favourable than it has been for some time. Also, I understand that

on the world market the paper pulp milling interests desire to secure long-term supplies of raw materials for their needs; and as we in Western Australia have the raw material I feel sure a successful contract will eventually be negotiated and, of course, this means that we need to have—as is envisaged under the Bill—a harbour with facilities of world standing to handle this sort of commodity. In addition it will be necessary to have the rail extensions as proposed by this measure in order that the harbour can handle greater tonnages and so provide for yet another major industry in the south-west.

Who knows what will eventuate in the future? We have been successful in attracting industry by way of the mining of bauxite, ilmenite, and other mineral sands. We have been successful in attracting to the south-west a canning factory to handle fruit and vegetables. With the passing of time and the provision of facilities we could have many other major industries established in that region.

I believe the people of the south-west appreciate this type of regional development. As Mr. McNeill has said, there is an air of confidence throughout the south-west because of this sort of encouragement. Encouragement is coming from Government level; from local government level; from individuals and individual private concerns. I know from meeting the people coming to Western Australia from the other States, and indeed other countries, that others are becoming aware of the tremendous potential we have. The south-west area of the State is so richly endowed that in my opinion the harbour facilities at Bunbury will become a major feature on our Western Australian coastline; and it is indeed good to see provision made for transporting heavy materials to a port outlet.

I also envisage that there will be major redevelopment in the Bunbury area as the need arises from time to time. The Bill before us contains some measure of flexibility, which is a good thing, because I believe that as the needs change the provision should be there to allow for further development in some other direction. In other words, development should be reappraised from time to time in order to get the maximum benefit from progress. I have much pleasure in supporting the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.23 p.m.]: I wish to thank members for their comments. Naturally, the Bill is of special interest to Mr. McNeill and to me as we are the two representatives in this House for both Bunbury and Pinjarra. Mr. Ferry and Mr. Willmott also have an interest in the measure because of its effects on an area

further south, which they represent. Also, as is only natural, any development in the State is of interest to all members.

In any development such as this there are inherent problems in positioning spur lines. Mr. Dolan mentioned this aspect and those problems are fairly real, and are appreciated. As Mr. McNeill said, discussions have already taken place in some quarters in Bunbury in regard to this matter—indeed, perhaps a stronger word than “discussions” could be used in this instance.

Members will be aware that on page 128 of the *Acts and Other Information relating to Parliament* there is an extract from the Public Works Act, 1902, which defines the degree of flexibility in positioning a railway line. I do not want to indicate at this stage that there is any degree of doubt about the positioning of the line, but the Act to which I have just referred allows for a variation of a mile on either side. The present delineation indicates where it is currently believed the line should go, but that section of the Public Works Act, which I just mentioned, does leave room for discussion and some variation if and when it should be needed.

I was interested in Mr. McNeill's comments because I noticed last week that the stage had been reached where the contractors have a big piece of earth-moving equipment skimming off topsoil and stockpiling it so that when the dredging is done and the fill is placed in position there will be some good topsoil available to place on the raw fill to encourage growth. Everything is moving along quite well and one can see the development taking place.

Another query raised by Mr. Dolan was in regard to the Alumina Refinery (Pinjarra) Agreement Act and the discretion allowed regarding shipping through Kwinana or Bunbury—clause 4 (9) (a) of the agreement. This discretion was considered to be necessary in the early stages but there are certain advantages in shipping through Bunbury which it is felt would encourage Alcoa to use this port, in addition to which, of course, the company is putting a fair amount of money into the port project. It is believed that these inducements are such that in the main discretionary power will be used to facilitate loading and the like.

I think if Mr. Dolan casts his mind back to the agreement legislation he will recall that this matter is fairly well catered for, bearing in mind all the possible eventualities and the need to be flexible, particularly in the case of breakdowns. I thank members for their interest in the Bill and their support of it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

First schedule—

The Hon. J. DOLAN: There is only one comment I would like to make for the benefit of members. The agreement with the firm concerned with the wood chip industry made provision that when the harbour was dredged it was to be dredged to a depth of 36 feet. It is only in comparatively recent years that that depth of water has been available in Fremantle Harbour. Also, there is to be a channel 400 feet wide—which is quite a large area—and there is provision for a turning basin of over 1,200 feet. So members can see that the harbour developments associated with this Bill are indeed great.

First schedule put and passed.

Second schedule—

The Hon. N. McNEILL: I would like to use this opportunity to mention the problems associated with this spur line in regard to the acquisition of land, resumptions, and so on. The Minister is well aware of these problems. In the case of the first spur mostly rural land is involved and major problems may or may not occur. However, the second spur will be mainly through developed country in the vicinity of residential land and, as a result, there will be some very great problems—complicated problems—in respect of resumptions, more particularly as it is not possible at this stage to say exactly where the railway will be built or what land will have to be resumed or rezoned for the purpose.

While the Minister and the Government are doubtless very concerned about the situation, I think it is necessary to make some mention of it here to stress that at the present time there is much doubt in the minds of landowners and, more particularly, those people who have considerable business undertakings in this vicinity. They have some apprehensions about when the railway will be built and what sort of dealings they are going to have with the Government over resumptions and so on.

I think this matter is well worth some detailed work on the part of the Government and its officers to iron out the situation so that everyone is well aware of what is proposed and the steps that might be taken for rezoning, redevelopment, and resumptions, as the case may be; otherwise there could be considerable antipathy to a scheme of this nature, which would be a tragic situation.

Regarding the size of the work, a moment ago Mr. Dolan mentioned a channel some 400 feet wide. As a matter of fact, in places

it is even wider than that; the entrance channel to this harbour is up to 500 feet wide, and is the makings of a major port in the south-west.

The Hon. G. C. MacKINNON: The problem which Mr. McNeill has highlighted is very much appreciated by the Minister for Works. I think most members are aware of the great difficulties in planning because of the peculiar shape of the land at Bunbury. It is almost like a nose sticking out, and it is necessary to run out onto this rather broad-based peninsula which has the port and the town situated at the end of it. This always presents problems in regard to road construction. Some years ago we had great difficulties with a street known as Blair Street.

This matter has been brought to the attention of the Minister and I understand he is moving into this very quickly in order to let people know precisely what the situation is, and if their minds are not set at rest at least alternative plans can be followed fairly quickly by the individuals. These developments inevitably mean some heartbreak for some people. I suppose that is the tragedy of progress and development; successive Governments have found that while they do profit a considerable number of people, they inevitably mean heartbreak for some, no matter how we might try to avoid it.

I think it is the desire of Governments and Government officers to alleviate the distress as much as possible but it is reasonable to suppose that some distress will eventuate. Our only hope is that the matter can be resolved reasonably in all the circumstances in order that inconvenience may be kept to a minimum.

Second schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 30th April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.36 p.m.]: It is noticeable when moving around the city that some of the most careful drivers, particularly in regard to speed, are the taxi drivers, who drive at about 35 miles an hour. This is somewhat remarkable in these days when the normal speed seems to be 40

miles an hour or more. If this is attributable to the Taxi Control Board, the board has been most effective.

Some difficulties are experienced with taxi-cars, particularly in the suburbs. People have made reports to me that they have attempted to obtain taxis at particular times and it has been a most difficult thing to do. The drivers agree to come and then do not turn up at the time that has been stipulated. It will be readily seen that this is a great source of inconvenience if a person is depending on a taxi to take him to the airport to catch a plane to the Eastern States or overseas, or to a train or a ship. On these occasions one certainly cannot take one's own car and would depend on the reliability of taxi drivers. If the taxi driver is unable to perform the task he should state this quite clearly so that one can endeavour to obtain a taxi elsewhere.

Although I criticise taxi drivers in this way I feel that they have a very difficult task in their daily work. On occasions I have tried to obtain a taxi at about 5 o'clock or later in the evening and it has been very difficult to get one. It is understandable at that time of day because of the traffic in the city. I think taxi drivers show remarkable forbearance in that they do not become impatient with the traffic.

It would be a lot better for the whole community if more use were made of taxi-cars and public transport, and if private cars were limited in some way in the city.

A number of matters are dealt with in the Bill and after studying these some difficulties have occurred to me. This is the fourth substantial amendment to the 1963 Act. Some of the amendments have been consequential because of matters arising out of the administration of the Act. Obviously further provision needs to be made to cover circumstances that arise.

In the present amending Bill clause 2 amends section 5 of the principal Act in two ways, one of which arises from the defection from the Local Government Association of the three largest local government groups in the city—the Shire of Perth, the City of Perth, and the City of Fremantle. Through the Local Government Association those authorities were able to have a representative on the Taxi Control Board. As they no longer belong to the association it could come about that they would not be represented. This amendment is quite a necessary one. I believe that those local government authorities have already been asked to submit a nominee for the position. The amendment does not indicate who will select the representative but I assume that is a matter of administration.

Paragraph (c) deals with the retirement of industry representatives. It is designed to obviate a situation in which they

all retire at once. Provision is made for staggered retirement to give continuity to the membership, which seems to be quite a sensible arrangement. Paragraph (d) of clause 2 deals with the terms of office and provides that the time of retirement of two members will be in inverse order to the order in which they were elected. The question arises in my mind as to how the situation would be dealt with when there was an equal number of votes. This is a situation that could arise and I feel it should have been provided for when the Act was being amended. The current members retire on the 5th May, which is today, and I raise the question: How would the situation be dealt with?

Subparagraphs (i) and (ii) of paragraph (b) deal with the qualification for entitlement to vote for the industry nominees. Subparagraph (i) states that a driver must have been a full-time operator continuously for three months; and subparagraph (ii) states that a part-time driver must have operated continuously for six months. Here again a question arises in my mind as to how a part-time driver is determined.

Reference is made to this in several sections of the Act; namely that the board will keep a register of full-time and part-time taxi drivers, but nowhere in the Act is a full-time or part-time taxi driver defined, and I think that could lead to legal difficulties. The same is true, I believe, in regard to the private taxi driver and what role he will fill when it comes to voting for representatives of the industry. Will he be eligible to participate in the voting?

The principal Act defines an owner of a taxi-car, but does not define a private taxi-car driver, or the private taxi-car itself. I have noticed, in paragraph (a) of subsection (1) of proposed new section 16A, it is considered necessary that the taxi-car shall be operated by a driver dressed in a uniform approved by the board, and yet a section in the principal Act already makes provision for this; namely, that the board has control of the registration of a taxi-car and the dress of a taxi driver.

If it is considered that there is some doubt about the board's ability to control private taxi-car drivers, doubt may also arise not only on the question of whether such drivers are entitled to vote, but also in regard to other provisions in the Act. Such doubts could have been overcome if a definition to define a private taxi car, or a private taxi car owner, had been inserted in the Bill.

Clause 3 seeks to rectify a situation that has arisen relating to an owner or operator who, as a representative sitting on the board, ceases to be an owner or operator. At the moment there is no provision in the Act preventing his continuing to sit on the board after he has ceased to be an owner or operator, but clause 3 will obviate this.

Another section of the Act which I think might create some difficulty is section 11(2) which limits the number of licenses that shall be issued to taxi-cars. I cannot quite understand what the Minister has in mind with this new style of private taxi-car provided for in the Bill. Under the Act at present the board may issue licenses for taxi-cars in controlled zones, depending on the population that has to be served. I would think that the private taxi-car would serve people who would be moving in and out of any one place and who could not be considered when licenses were being issued for taxis operating in a controlled zone. To me, a private taxi-car would come within a separate category altogether and may not be used to serve travelling members of the public who live in a controlled zone.

I have some difficulty in trying to ascertain what the Minister has in mind. If, as I assume, the private taxi-car owner is to operate a better class and more elaborate type of vehicle, and the driver will be required to be dressed in a more distinctive uniform to drive such a taxi-car, in my opinion these extra requirements will make the operation of a private taxi-car service more costly, because one cannot envisage a driver or owner charging fares similar to those that are charged by the ordinary taxi driver. Once again, it would seem to be that a separate definition is required which could, perhaps, cover other sections of the Act as well.

Proposed new section 16B, in clause 4 of the Bill, seeks to provide for multiple hiring. It is quite obvious there will be many instances when this will be necessary to provide an adequate service to the public. I have raised questions in regard to the equality of votes and the necessity for a definition of a part-time driver to ascertain whether it can be made clear who actually will go onto the roll of people eligible to elect the representatives of the industry. I feel sure this will also raise other questions about what is actually intended in regard to the private taxi-car, and whether the amendment before us will be sufficient to achieve what the Minister intends should be achieved with this legislation. I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.54 p.m.]: I am not sure whether I understand the gist of the many queries raised by Mr. Cloughton, but I can assure him I will bring his speech to the notice of the Minister in charge of the Taxi-cars (Co-ordination and Control) Act so that he may study it. Perhaps, as I understand the situation, the answer to Mr. Cloughton's query on private taxi-cars is that anyone who drives a taxi-car has to have a license which has certain descriptions on it which may be "part-time

driver," "full-time driver," "owner-driver," and so on. Therefore, in these circumstances, no doubt it would be difficult to designate him. The definition of a full-time driver or a part-time driver is, I should imagine, fairly clear, if this is the problem Mr. Cloughton was enunciating.

The Hon. R. Thompson: Who issues that license?

The Hon. G. C. MacKINNON: From my understanding of the Act, whether a person holds a license for a taxi-car or a bus, the matter comes under the control of the police.

The Hon. R. Thompson: The Police Department issues one license—a license to drive a taxi-car or a bus—but I think it is the Taxi Control Board that issues a license as to the rest of it.

The Hon. G. C. MacKINNON: Yes, so far as I know the Taxi Control Board issues a license to designate the classification in which the driver is placed.

The Hon. R. Thompson: I thought you said it was the police who issued the license.

The Hon. G. C. MacKINNON: No. Mr. Cloughton's other query related to the use of private taxi-cars. These taxi-cars are quite common in other States and other parts of the world. One hires them by the day rather than for a specific trip. Generally speaking, a private taxi-car is a bigger vehicle than the ordinary taxi-car, and also the driver is dressed in a uniform which, quite frequently, has some sort of insignia on it. Private taxi-cars are often used by businessmen who enter a country and want a car on call. If a man hires a private taxi-car for the day, the driver drops him off wherever he wishes to go, and then picks him up later at some stipulated time. Such a service is commonly used by members of the business community and other people on the move who require such a service.

It is therefore considered advisable that this amendment should be made to the Act to provide for such a service in Western Australia. So far as I am concerned I have replied to the major queries raised by Mr. Cloughton. He made some nice remarks about the improved standards relating to taxi-cars since the Act came into operation, and I thank him for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the chair; **The Hon. G. C. MacKINNON** (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to Section 5—

The Hon. R. F. CLAUGHTON: I understand from the Minister that he will obtain some answers to my queries and advise the Chamber accordingly.

The Hon. G. C. MacKinnon: I do not quite understand the honourable member.

The Hon. R. F. CLAUGHTON: I must have misunderstood the Minister's reference when he stated that he would obtain some replies to the queries I raised on what would be the procedure in relation to an equality of votes on the term of office. I am referring to the provision which appears on page 3, which reads as follows:—

(4a) The terms of office in relation to appointments referred to in subparagraph (i) of paragraph (c) of subsection (4) of this section are two years and one year respectively so that the term of office of the one who received the least number of votes at the election in respect of the appointment expires first.

In other words, my question is: If there is an equality of votes, by what method shall it be decided who shall have one year in office?

The Hon. G. C. MacKINNON: I do not know. I am sure that this is one of the matters which the Minister for Transport will look into. He might write to the honourable member in due course, and give him the information. This is a problem which might arise once in a blue moon. Perhaps consideration might have been given to it and to the administrative method of overcoming it. It might be considered that the rare occurrence of this situation does not warrant special provision in the Bill.

The Hon. R. F. CLAUGHTON: There are many Acts in which the procedure is laid down. I do not see any great difficulty is involved in obtaining the information from the Minister for Transport, and in referring it to the Chamber. The question of the definition of a part-time taxi driver and his eligibility to vote has been raised, but it could well be that this matter is covered in the registration of part-time drivers. However, there is no provision to this effect in the Bill. I would ask the Minister to obtain the information from the Minister for Transport, and to refer it to the Chamber. In order to do that I would ask the Minister to move for progress to be reported.

The Hon. G. C. MacKINNON: I do not consider the matter is of sufficient importance at this stage to warrant progress being reported. In respect of private licenses the position is quite clear; a private license holder has the right, under certain circumstances, to vote. The very remote eventuality of the votes being equal and so necessitating the holding of another election is not sufficient cause for progress to be reported, in order to find out from the Minister for Transport the circumstances.

The clause should be passed as it is. If the various points raised by the honourable member are of sufficient importance they could be dealt with on a subsequent occasion, because this legislation is amended very frequently.

The Hon. R. F. CLAUGHTON: Elections will be held under the legislation as it is, and the situation I have outlined could arise. If the Minister chooses to disregard the Chamber he can do so.

The Hon. G. C. MacKinnon: I am not disregarding the Chamber.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

STRATA TITLES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.6 p.m.]: I move—

That the Bill be now read a second time.

The Minister for Town Planning has requested that I direct my attention to section 5 of the Strata Titles Act, 1966-69. Members may recall that when last year's amendment to the Strata Titles Act was being introduced, it was stated in respect of the fifth clause of the Bill, which amended section 5 of the Act—

The need for the approval of strata plans by the Town Planning Board is to be deleted.

and—

The board is of the opinion that it is only concerned with the subdivision of land and not buildings. Under the circumstances, its approval is not necessary.

I would emphasise the reference made to subdivision, because it has transpired that people with broad acres can now, with local authority approval and without the need for subdivision, proceed with housing projects. This is not necessarily desirable, because of the demands which are being made on the Government for the supply of water, power, schools, and services generally.

This does not necessarily mean that the Government is opposed to all such schemes, but we consider the town planning authority should have a say in these matters.

The Bill, therefore, proposes the repeal of subsection (8) of section 5, which was inserted by the amending Bill introduced in April, 1969. That subsection removed the strata plan from the need to comply with sections 20 and 21 of the Town Planning and Development Act.

It is further proposed to reinstate in the principal Act as passed in 1966, section 5 (6) (b) which was repealed by the amending Act of 1969 in order to ensure that, as originally proposed, a strata plan lodged for registration under the Act shall be endorsed with, or accompanied by, a certificate in the prescribed form of the Town Planning Board, certifying under the hand of the chairman that the proposed subdivision of the parcel shown in the plan has been approved by the board.

As I have already indicated, the reason for reinserting these provisions is that a situation has come about, which was not visualised at the time, with attempts now being made to have large areas developed as so-called "country clubs" but with extensive housing schemes. By the loophole in the Act, brought about by the 1969 amendments, these owners see a means of developing by bypassing the need for subdivision, which in all instances had to be approved by the Town Planning Board.

The situation has been held in the metropolitan region by withdrawing the delegated authority from the local authority, and reverting to the control of the Metropolitan Region Planning Authority; but no control can be imposed on areas outside the metropolitan region scheme. As a consequence of this, if any local authority were to approve any of the schemes submitted, or likely to be submitted, we would be powerless to prevent it. As a result a very serious situation has developed, as irrespective of the merits or otherwise of such schemes the planning and control are taken out of the hands of the Government. Having regard to the orderly and proper planning of the State and the preservation of the amenities of the localities affected, it is submitted that this must not be allowed to continue.

It has occurred to me that in order to enable members to have a full appreciation of the train of events which has led up to the introduction of this measure it would, I think, be desirable if I were to read some quotations from a minute submitted to the Minister for Town Planning by the Chief Planner (Dr. David Carr) under date the 17th April, 1970. Extracts from Dr. Carr's report are as follows:—

As you know, the Metropolitan Region Planning Authority has adopted the corridor concept with wedges of rural land as the basis for guiding the future extension of the urban zones; in addition, Government

is aware of the steps taken to control speculation in land, particularly in the Region.

During the past few months officers of the Department have become increasingly aware of proposals by owners of relatively large holdings to develop what are referred to as Country Clubs with extensive associated housing schemes and uses ancillary to the primary form of development upon land zoned for Rural purposes in the Metropolitan Region Scheme, or land predominantly rural in character in other parts of the State.

To date, a number of projects have come to the notice of the department. Briefly, these projects are known, or are believed to be as follows—and here I paraphrase:

One developer prepared plans showing a large parcel of land on which is envisaged a club with adjacent golf course, riding school, homes for the aged, and hundreds of patio houses developed in two phases in a cluster pattern on the periphery of the golf course or the lake. The project also envisages the development of shopping facilities for use by persons living in the club, as well as by the passing public. A reticulated water supply is envisaged, as well as a package sewerage scheme, for each phase of houses.

Another involves broad acres surrounded by a region park and recreation reserve on which the developer envisages providing a golf course, tennis courts, a swimming pool, and a considerable number of patio houses.

A third development affects a fairly large portion of land on which more than 500 home units—as well as a kindergarten, hotel, and doctor's clinic—will be constructed. This project envisages 11 subdivisions on which clusters of flats or patio developments will be built.

Another one proposes nearly 1,000 dwelling units over several hundred acres.

To continue with the report, Dr. Carr advises—

The interesting and important aspect of the proposals from the administrative viewpoint is that in respect of some of these projects the developers do not envisage any amendment to zoning in the metropolitan region scheme, nor do they intend applying in any of the cases for the consent of the Town Planning Board to subdivide and create new lots upon which each patio house or flat building could be erected. The intention is to provide either a strata title or, under the Companies Act, a share in the developing and holding company; apparently with a legal document allocating the shareholder the sole right

to a particular patio house and its curtilage and a shared community use right to the recreation facilities.

Where the strata title procedure is used, the purchaser of a patio unit would not necessarily be entitled to use automatically the club facilities. Furthermore, in the projects sighted, the developers do not intend to set aside and vest any land for public open space purposes, nor do they intend setting aside sites for schools and appropriate community facilities.

As you know, the power to determine applications for consent to develop pursuant to Clause 28 of the Metropolitan Region Scheme, was delegated to local authorities and until recently, only those projects which affect or abut a region reserve were required to be referred for examination by the Metropolitan Region Planning Authority. In consequence, the Council concerned could have granted consent to develop without the Authority being aware of the Scheme.

Up to the middle of March, 1970, there was in general terms no cause for concern about the type of development occurring within the Rural Zone, but as a result of a recent amendment to the Strata Titles Act—

This is the amendment passed in April, 1969, with which this Bill deals. To continue—

—developers have discovered a loophole in the legislation and it seems are hopeful of achieving what is essentially permanent residential type development in areas essentially rural in character.

In order to ensure that development contrary to the rural use of land in the Region is not permitted, the Authority resolved during March to require all development applications to be determined by the Authority except those in respect of single family dwellings and buildings ancillary to the farming use of the land. In this way, the Authority can control development in the Rural Zone until the legislation is amended.

Dr. Carr adds in his report—

There is, of course, no objection from the Town Planning viewpoint to the creation by a developer of a golf course, or a country club and associated facilities and accommodation when the intention is to provide a facility genuinely serving as such.

The chief planner explains—

The proposals sighted to date seek primarily to create quite extensive pockets of permanent residential development on an ad hoc unco-ordinated basis in the Rural Zone of the Scheme or in essentially rural areas of the State outside the Scheme.

Clearly, having regard to the orderly and proper planning of the State and the preservation of the amenities of the local authorities affected, the projects should not be permitted; however, as the Strata Titles Act now stands, the Commissioner of Titles is unable to refuse to accept submissions for Strata Titles in respect of such a project, provided the local authority concerned and a registered surveyor submit the certificates required pursuant to the Act.

The chief planner then proceeds to recommend that an amendment to the Strata Titles Act should be introduced as soon as possible.

It seems that Parliament should agree to this Bill in order that the town planning authority will have some say in the matter. May I conclude by saying that the reason I am introducing the Bill is that I am administering the strata titles legislation. The Minister for Town Planning, prior to his departure overseas, brought this matter to the notice of the Government; and it appeared to the Government that something should be done about this set of circumstances.

My colleague, the Minister for Health, is the acting Minister for Local Government and Town Planning. In Mr. Logan's absence the Minister for Health has a direct interest in this matter.

I think I ought to repeat that the Government does not necessarily consider all the proposals are unacceptable. The Government considers that each one of them should be considered on its merits, and that due consideration should be given to all the proposals. At the time the omission from the strata titles legislation to include the power of the town planning authority to have a say arose from the fact that the Town Planning Board thought that the need for approval of strata title plans by the board was unnecessary.

Finally, I apologise to the House for the introduction of this Bill so late in the session. This is not my normal procedure, as the Leader of the Government in this House; nor is it the usual procedure of other Ministers. In the event of attention not being given to these matters by Parliament—I repeat that each of the proposals will be considered on its merits—then in the interim between the conclusion of this session and the commencement of the next we might be placed in a position that under the existing law progress on the proposals will be difficult. I believe that proper attention should be given to these matters.

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

House adjourned at 6.21 p.m.