Why should not these people be able to go along to a Royal Commission when it sits in their towns and put forward issues which should be taken into consideration? If this were done in the major country towns of Western Australia, then and only then would the people become more interested in their way of life. Such slight involvement—not major, but slight—would be to their benefit and may even influence the Liberal and Country Parties to adopt a process by which their own financial members became more involved in their political parties.

Mr Grayden: How do you explain the Labor Party's aim to cut down representation in this Parliament?

Mr HARMAN: I will not take up the time of the House by going into something like that.

Mr Laurance: I bet you will not!

Mr HARMAN: I am sure that after we have finished debating the Electoral Districts Act Amendment Bill, the Minister for Labour and Industry will know the reason for our attitude on this issue.

Mr Grayden: You still aim to cut down country representation in this Parliament? How would you reconcile that with what you are now saying?

Mr Davies: We want equality for all citizens.

Mr HARMAN: The alienation to which I have referred and which is occurring today not only in country areas but also in the metropolitan area stems from a lack of involvement on the part of the community, whether it be lack of involvement in government, in their work, in their community, in their authorities or, in some cases, even in their families.

For geographical reasons, many people must commute long distances to their place of employment, and often wives and husbands are separated for long periods because the husband is working in another part of the country. In many cases, when children first enter the work force, they must leave home and live near their place of employment; principally, they leave the country districts and move to the city.

All these factors tend to alienate the families within themselves, and to me that is not a good thing. As I say, Australia seems to be a nation of commuters, travelling to and from work; this fact tends to alienate members of families. I would have thought the Government would adopt a very different attitude from the one it has taken; I suggest that it reconsiders its attitude. I do not believe the Consumer Affairs Bureau or its commissioner has the ability to cover all aspects raised in this motion and I do not think it is proper for us to ask them to make a report on these particular matters or on any other matters raised by other members; for that reason, I am not in accord with the amendment moved by the member for Mt. Marshall.

I believe if members opposite really examined the motion moved by the member for Geraldton, they would see that what he is saying is that he wants an inquiry into the quality of life of people living in country towns. He does not want an inquiry solely into the price of bread, tinned meat, beans, or whatever it may be; he is not proposing an inquiry solely into medical facilities, isolation, education, or decentralisation. He is proposing an inquiry into the quality of life, and calls upon people who live in country areas to become involved. For those reasons, I ask members opposite to reconsider their attitude towards this motion.

Debate adjourned, on motion by Mr Laurance.

House adjourned at 10.15 p.m.

Legislative Assembly

Thursday, the 21st August, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

MEMBER FOR GREENOUGH

Resignation: Letter

THE SPEAKER (Mr Hutchinson): I have to announce the receipt of a letter of resignation from the former member for Greenough (Sir David Brand). The letter reads as follows—

Parliament House,
Perth, W.A., 6000.
21 August, 1975.

The Speaker,
The Hon. Ross Hutchinson, M.L.A.,
Legislative Assembly,
Parliament House,
PERTH, 6000.
Western Australia.

Dear Mr Speaker,

I hereby submit my resignation as a Member of the Legislative Assembly in the State of Western Australia, to take effect as from the above-mentioned date.

Yours sincerely,
DAVID BRAND.

Seat Declared Vacant

SIR CHARLES COURT (Nedlands—Premier) [2.17 p.m.]: Consequent upon the letter read by Mr Speaker, I move—

That owing to the resignation of the Hon. Sir David Brand, KCMG, the seat of the Member for Greenough be declared vacant.

The SPEAKER: Is there a seconder to the motion?

Mr O'NEIL (Minister for Works): I second the motion.

Question put and passed.

QUESTIONS (22): ON NOTICE

1. WATER SUPPLIES

Bedfordale Rural Zone: Catchment Area

Mr TAYLOR, to the Minister for Water Supplies:

At whose request was the Bedfordale valley's classification as a water catchment area changed?

Mr O'NEIL replied:

As indicated in the reply to question 15 on 20th August, 1975, no change has been effected. Following a review of declared catchment areas, the Metropolitan Water Board has indicated that the area is no longer required for water catchment purposes.

2. WATER SUPPLIES

Bedfordale Rural Zone: Survey

Mr TAYLOR, to the Minister for Mines:

Is his department in possession of information as to whether the Bedfordale special rural zone (amendment No. 25 to town planning scheme No. 1 of the Shire of Armadale-Kelmscott) could be expected to contain aquifers which might provide between 110 000-140 000 gallons (500-600 c. kilolitres) of potable water, continuously, over a full 12 months' period and from year to year?

Mr MENSAROS replied:

From general hydrological information available in the department the prospect of obtaining an average annual yield of potable groundwater of 110 000-140 000 gallons for each of 100 householders within the Bedfordale special rural zone (Amendment No. 25 to town planning scheme No. 1 of the Shire of Armadale-Kelmscott) appears reasonable; but there can be no guarantee of a groundwater supply of either sufficient yield or suitable quality at any individual site without drilling and test pumping at that site.

3. LOCAL GOVERNMENT

Tree Preservation Orders: Regulations

Mr TAYLOR, to the Minister for Local Government:

(1) Is his department aware of regulations extant in New South Wales pertaining to tree preservation orders?

(2) (a) If "Yes" will he table a copy of such regulations;

(b) if "No" will his department obtain a copy?

Mr RUSHTON replied:

(1) No.

(2) An endeavour will be made to procure a copy.

4. RAILWAYS

North Picton Junction: Servicing Facilities

Mr SIBSON, to the Minister for Transport:

(1) Were tenders called for the construction of servicing facilities at North Picton Junction?

(2) If so—

(a) what were the tender amounts accepted;

(b) were local (Bunbury) tenderers successful; and

(c) was the 10% preference clause effected?

(3) What procedure was adopted in calling tenders, e.g., which Press?

Mr O'CONNOR replied:

(1) Tenders were called by the Railways Department for the following servicing facilities at North Picton Junction—

(i) A prefabricated crew and staff cabin.

(ii) Two only 141 000 litre fuel storage tanks and enclosing bunds.

(2) (a) Crew and staff cabin—$9 284
Fuel storage—$46 815

(b) No local (Bunbury) tenders were received.

(c) No. A preference clause for W.A. manufacture was not applicable.

(3) Normal tendering procedure was adopted. Tenders were published in *The West Australian* newspaper.

5. ELECTRICITY SUPPLIES

Charges: Off-peak Concessions

Mr MAY, to the Minister for Fuel and Energy:

(1) Has the State Energy Commission given serious consideration to the introduction of the off-peak electricity concessions similar to those existing in other States?

(2) If "Yes" will he advise if the necessary investigations have been completed and when will a decision be announced?

Mr MENSAROS replied:

(1) Yes.

(2) The investigations are still proceeding but it is expected that a decision will be announced within a few months.

6. SEWERAGE

Brentwood-Booragoon-Mt. Pleasant

Mr MAY, to the Minister for Water Supplies:

(1) Will he kindly advise the proposed programme for deep sewerage in the unserviced area of Brentwood?

(2) Could he make available a plan depicting the sewerage proposals in the Brentwood-Booragoon-Mt. Pleasant areas?

Mr O'NEIL replied:

(1) and (2) When the 1975-76 capital works programme has been approved, details of the proposals in the areas will be supplied to the Member.

7. PUBLIC SERVICE

Limiting of Growth

Mr DAVIES, to the Premier:

(1) Referring to tabled paper 291 dealing with growth of the Public Service, is he aware that three relevant papers, viz.—

(a) recommendation from Chairman, Public Service Board to Cabinet;

(b) Premier's instructions to PSB of 30th April;

(c) PSB table as requested by Premier relating to number of people employed by the Government,

are missing?

(2) Will he table these please in order to make those already available meaningful?

Sir CHARLES COURT replied:

(1) Question 27 of 14th August, 1975 asked specifically for directions issued by me to the Public Service Board, and by the Public Service Board to branches or departments relating to limiting of staff growth rate 1974-75, and did not ask for copies of any recommendation made to Cabinet by the Chairman of the Public Service Board, nor did it ask for any information requested by me from the Public Service Board. My instruction to the Public Service Board of 30th April, 1975 was tabled together with the circular to Ministers of the same date.

(2) No.

The Chairman, Public Service Board made no recommendation to Cabinet.

He made a submission to me, but it also deals with matters additional to Public Service numbers and of such a nature that it is confidential to the Government in the ordinary course of its operations.

The Public Service Board table referred to in (1) (c) is currently before Cabinet in respect of the 1974-75 and 1975-76 review. If the Member has specific points on which he seeks clarification, I suggest he let me have them.

8. CHIROPRACTORS

Amending Legislation

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Has he examined amendments to legislation covering chiropractors following representations from members of the profession?

(2) Is it proposed that amending legislation will be introduced?

(3) If not, why not?

Mr RIDGE replied:

(1) Yes.

(2) No.

(3) The proposed amendment would restrict manipulation of the spinal column by hand to chiropractors only and prevent doctors, physiotherapists, osteopaths, masseurs, etc., from manipulation of the bones of the spinal column.

9. RETAIL PRICE INDEX

Foodstuffs

Mr CARR, to the Minister for Consumer Affairs:

With reference to the index of retail prices of food in certain localities, a copy of which was tabled

by the Minister in connection with his answer to question 65 of May 8th—

(a) what items make up the sample or samples on which this index is based;

(b) are more recent figures available, and if so, will he please provide them?

Mr GRAYDEN replied:

(a) The Australian Bureau of Statistics has stated the food and grocery items included in the index are, with a few minor exceptions, the same as those included in the food group of the consumer price index including soft drinks, icecream, confectionery, potato chips, snacks and take-away food. The statistical weighting used in combining these items was derived from estimates of household consumption or expenditure for Australia as a whole at or about 1966-67 for the 1973 series and at 1971-72 for the 1974 series.

(b) Figures for relative retail prices of food in certain localities for the 15th March, 1975, are expected to be released by the Bureau of Statistics within the next month.

10. TRANSPORT

Taxi Fares

Mr CARR, to the Minister for Transport:

(1) Will he please advise of the present position concerning jurisdiction over taxi fares in Geraldton?

(2) If the matter has not yet been resolved, can he give any indication when it will be resolved?

Mr O'CONNOR replied:

(1) Jurisdiction over taxi fares in Geraldton is exercised by the Road Traffic Authority.

(2) Answered by (1).

11. HEALTH

Transport Working Party: Discussion Document

Mr CARR, to the Premier:

Will he please table a copy of the discussion document prepared by a Health Transport Working Party of the hospitals and health services commission of the Federal Government, as referred to in his letter to me of 5th August?

Sir CHARLES COURT replied:

Yes. Discussion document tabled herewith.

The document was tabled (see paper No. 335).

12. GERALDTON MEDICAL CENTRE

Tenders and Cost

Mr CARR, to the Minister representing the Minister for Health:

(1) With reference to the Geraldton medical centre, were tenders called in mid-July as suggested in his answer to question 44 of 7th May?

(2) If (1) is "No" when is it now proposed that tenders will be called?

(3) Has a decision been made by the hospital and health services commission of the Federal Government allocating its share of the 1975-76 capital cost?

Mr RIDGE replied:

(1) No.

(2) January 1976.

(3) The Federal allocation has been discussed but a final decision is dependent upon State and Federal Budgets.

13. GERALDTON SCHOOL

Special Class

Mr CARR, to the Minister representing the Minister for Education:

(1) With regard to the special class at Geraldton Primary School, is it a fact that the present teacher will not be available after the end of the second school term?

(2) Can the Minister give an unequivocal assurance that the class will be continued?

Mr GRAYDEN replied:

(1) Yes.

(2) No—a replacement is being actively sought.

14. "FAIRPLAY"

Printing of Racing Information

Mr CARR, to the Minister for Police:

(1) Is it a fact that the firm "Fairplay" prints all literature for the Totalisator Agency Board and metropolitan turf and trotting clubs?

(2) If "No" who does this printing?

(3) (a) Is this printer a privately owned firm or is it owned by Government or semi-Government instrumentalities;

(b) could he please give details of ownership where possible?

(4) Is it a fact that this firm has recently taken over or is about to take over the printing of literature for the Victoria District Turf Club in Geraldton?

(5) If "Yes" to (4), does this result from a decision by the Victoria District Turf Club or was the decision imposed by some authority in the metropolitan area?

(6) If the answer to (5) is the latter alternative, will the Minister please provide details, including reasons?

Mr O'CONNOR replied:

(1) I answer this question (1) in two parts—

(a) Fairplay is not the sole printer for the TAB.

(b) The metropolitan turf and trotting clubs are private organisations and it is suggested that the Member approach them if he desires this information.

(2) Barclay and Sharland
J. Pugh
Data Card
Fairplay
I.B.M. Australia

(3) (a) Fairplay Printing Works Pty. Ltd. is a private company.

(b) Shares are held by certain concerns and private individuals.

(4) Yes.

(5) and (6) Decision made by the Victoria Districts Turf Club.

15. GERALDTON SCHOOLS

Survey of Student Concentrations

Mr CARR, to the Minister representing the Minister for Education:

(1) Has the Education Department conducted a survey this year of students at Geraldton schools to ascertain where the concentrations of the school population live?

(2) If "Yes" to (1), will the Minister please provide the information so gained?

Mr GRAYDEN replied:

(1) No formal complete survey has been undertaken this year in the Geraldton area. Increases in enrolments at all levels, however, have been closely monitored by officers of the Education Department.

(2) Not applicable.

16. GERALDTON SCHOOLS

Zoning System

Mr CARR, to the Minister representing the Minister for Education:

(1) Does the Education Department have any plans to introduce a system of zoning students to attend particular schools in Geraldton?

(2) If "Yes" will the Minister please indicate the intentions?

Mr GRAYDEN replied:

(1) Boundaries exist for both primary and secondary schools in the Geraldton area. The secondary school boundaries, i.e., those for Geraldton Senior High and John Willcock High Schools, are strictly enforced.

A certain degree of latitude is given to principals of primary schools in accepting students living outside the schools' formal intake areas.

The Education Department does not intend to strictly enforce the boundaries for primary schools in the Geraldton area.

(2) Answered in (1).

17. PRE-PRIMARY CENTRES

Geraldton

Mr CARR, to the Minister representing the Minister for Education:

(1) Does the Government intend to locate any pre-primary centres in Geraldton for the 1976 school year?

(2) If "Yes" will the Minister please provide details?

Mr GRAYDEN replied:

(1) No.

(2) Not applicable.

18. SCHOOLS

Geraldton Electorate: Establishment

Mr CARR, to the Minister representing the Minister for Education:

(1) Has the Education Department given further consideration to the establishment of a new primary school in any of the following areas—

(a) Tarcoola;

(b) Rangeway (joint site with John Willcock High School);
(c) Bluff Point (Anderson Street site);
(d) north of the Chapman River?

(2) If "Yes" will the Minister please provide details?

Mr GRAYDEN replied:

(1) and (2) Initial planning for new schools at Waggrakine (north of the Chapman River) and South Rangeway is being undertaken. Priorities in all areas will determine when building will commence.

19. ROCKINGHAM-KWINANA HOSPITAL

Beds for Navy Personnel

Mr BARNETT, to the Minister representing the Minister for Health:

(1) Is it a fact that the Department of the Navy has requested that a number of beds be reserved for it at the Rockingham-Kwinana Hospital?

(2) What is that number of beds?

Mr RIDGE replied:

(1) No.

(2) Answered by (1).

20. POLICE

Criminal Investigation Branch: Staff

Mr BERTRAM, to the Minister for Police:

What steps has he taken to increase the staff of the Criminal Investigation Branch in order to cope with the situation in this State?

Mr O'CONNOR replied:

The strength of the Criminal Investigation Branch has been increased by 20 detectives since 30th June, 1975.

21. CONSUMER PROTECTION

Trucks: Spare Parts

Mr BERTRAM, to the Minister for Consumer Affairs:

Is it a fact that most spare parts for trucks are sold by retailers carrying a mark-up in excess of 150%?

Mr GRAYDEN replied:

This information is not available to my department. Inquiries will be made of the Prices Justification Tribunal in Melbourne and any information obtained will be conveyed to the Member.

22. GOVERNMENT HOUSE

Use and Staff

Mr A. R. TONKIN, to the Premier:

(1) On what date did Sir Hughie Edwards cease to be Governor?

(2) Since Sir Hughie Edwards ceased to be Governor of Western Australia, on what dates has Government House been occupied by the Lieutenant-Governor?

(3) What are the details of the positions held and the salary received by each of the staff members of Government House?

(4) Has there been any diminution of staff since the resignation of Sir Hughie Edwards?

(5) Of how many squares does Government House consist?

(6) How many rooms are there in Government House?

Sir CHARLES COURT replied:

(1) 2nd April, 1975.

(2) 22nd April, 1975 to 8th May, 1975 for full time residence.

It is, of course, necessary for the Lieutenant-Governor to use Government House on a daily basis for purposes of administration of his office and the processing of documents and correspondence.

It is also necessary for him to receive official visitors and to give audiences and conduct other official occasions. Therefore the House is in constant use.

(3) Advantage is being taken of the present position pending the appointment of a new Governor to clear accumulated leave of staff. Also some internal maintenance appropriate to the staff involved is being undertaken.

For this purpose the following are on the staff—

	per week $
Butler	131.15
First footman	119.40
First cook	130.20
Cook	126.70
Head housemaid	107.70
Housemaid	100.70

(4) Yes.

(5) 358 squares, or 35 800 square feet, excluding coves, verandahs, toilet for outside staff, old laundry and store, and third grade storage space in basement.

It is to be noted that measurements for Government House are outside and not internal measurements.

(6) Ground floor—13 liveable rooms
First floor—24 liveable rooms
Excludes toilets, bathrooms, store, pantry and passages.

QUESTIONS (4): WITHOUT NOTICE

1. IRON ORE PROJECT

Marandoo: Letter of Intent

Mr MAY, to the Premier:

I apologise to the Premier for the lack of notice of my question as follows—

(1) Has he sighted the letter received by Texas Gulf Incorporated from Nippon Steel concerning the proposed Marandoo project?

(2) If "Yes", does he still maintain that it is a "letter of interest" and not a "letter of intent"?

(3) If not, will he indicate the reason that he considers the letter to be a letter of interest?

Sir CHARLES COURT replied:

(1) to (3) I have sighted what purports to be a copy of the letter. It was sent to me by Texas Gulf Incorporated—and my comments were quoted in the weekend Press after I was asked about the matter. I do not take the heading as an indication of what the letter is all about. I am concerned with the content of the letter and I am not concerned about a classification given to it. We want to see all projects get off the ground, but in accordance with the total programme, and I think the company understands that thoroughly.

2. IRON ORE PROJECT

Marandoo: Letter of Intent

Mr MAY, to the Premier:

I would like to ask a further question of the Premier. In view of the Japanese interest in this particular project, does he consider that when the letter was headed "letter of intent" by a Japanese company, it was not sincere?

Sir CHARLES COURT replied:

As I have indicated in answer to a number of questions from the media and other people, the Japanese steel mills—and we are in close consultation with them—are interested in a number of projects in the Pilbara, as well as Marandoo.

Mr J. T. Tonkin: Have any others been given a letter of intent?

Sir CHARLES COURT: We are looking at the total question, as I imagine the honourable member would want us to. We must consider the total programme of development of the area to achieve a proper balance, and all projects, including Marandoo, will be given that proper consideration.

I emphasise again that the Japanese have made it clear to us they have no desire to become involved in any more detailed discussions about these areas until they have completed all the ore tests. The latest advice to me is that this will be November at the earliest, and possibly it will be into the New Year before the Japanese companies concerned are prepared to talk about the priority of development.

I believe it is best to leave the matter on that basis rather than overemphasise one particular project, otherwise we may be left with a situation such as we have at Port Hedland where people are very concerned about any suggestion that the priority previously established for area C will be lost in favour of other projects. Let us have regard for the total programme and not consider just one selfish interest.

3. IRON ORE PROJECT

Marandoo: Letter of Intent

Mr MAY, to the Premier:

In view of the fact that the Premier has not answered my question—

Sir Charles Court: Which part of your question?

Mr MAY: —and that he has knowledge of the Japanese steel mills, does he consider that the Japanese would send a letter headed "letter of intent" if they were not vitally interested in this particular project?

Sir CHARLES COURT replied:

The honourable member has answered his own question; his last phrase answers it.

Mr May: I would not have stood up if I had known the answer.

Sir CHARLES COURT: The honourable member used the phrase, "if they were interested in this project". Of course they are interested, and they are interested in at least three others. So whatever words were used in the heading, the meaning is only a matter of opinion and does not bind—

Mr May: The other ones are established projects and this is not. You know that.

Sir CHARLES COURT: I do not know why the honourable member is pushing the point.

Mr May: We want to know why you are deprecating this particular project.

Sir CHARLES COURT: We have never deprecated this project at all. What we are saying is that we must consider the total programme. I return to the point that if the honourable member were in Port Hedland at the moment, he would need only to carry on as he is carrying on now, and he would find he would have a very rough passage.

Mr May: I do not think so. I think I know the situation at Port Hedland.

Sir CHARLES COURT: I am asking for members to consider the whole matter in a proper way, and not attempt to give a priority which the Japanese do not acknowledge to any particular project.

Mr May: Why is it headed, "letter of intent"?

4. IRON ORE PROJECT

Marandoo: Letter of Intent

Mr J. T. TONKIN, to the Premier:

I desire to ask a question on this same subject.

Has any other company or group of companies received a similar letter to that which Texas Gulf Incorporated has received indicating Japanese interest?

Sir CHARLES COURT replied:

I know of no other letter of this kind that has been given at this time, but my information from Japan is that the company concerned in this particular project was most insistent that it had to have some written acknowledgment from the Japanese steel mills by a certain date. The company insisted on this for a private reason.

Now I do not question that it was the company's right to do this, but no other company has seen fit or needed to go to that extent. The other companies have assured me that as far as they are concerned they have a complete understanding with the Japanese that when the time is opportune—and that is when these tests are completed—there will be proper discussions with the steel mills and they hope the projects will be considered without any prior commitments.

BILLS (4): INTRODUCTION AND FIRST READING

1. Juries Act Amendment Bill.
2. District Court of Western Australia Act Amendment Bill.
3. Supreme Court Act Amendment Bill.

   Bills introduced, on motions by Mr O'Neil (Minister for Works), and read a first time.

4. Inventions Bill.

   Bill introduced, on motion by Mr Mensaros (Minister for Industrial Development), and read a first time.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Third Reading

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

ACTS AMENDMENT (JUDICIAL SALARIES AND PENSIONS) BILL

Second Reading

Debate resumed from the 14th August.

MR BERTRAM (Mt. Hawthorn) [2.41 p.m.]: This Bill becomes necessary because the Salaries and Allowances Tribunal—which was established earlier this year by Act No. 27 of 1975—whilst being given power not only to calculate but also to determine and fix the salaries of certain persons such as Ministers of the Crown and other echelons of professional people, was not given power to do more than calculate or assess the remunerations which should be paid to judges of the Supreme Court and the District Court. The tribunal was given power to calculate and recommend to this Parliament what the salaries of those judges should be, but it was not given power finally to determine the figure. So we have this Bill before us which amends two Acts: the Judges' Salaries and Pensions Act and the District Court of Western Australia Act.

Therefore this Parliament must now decide what it should do in respect of the recommendations made by the tribunal. It is worth recording that this is the first occasion the Parliament has had a recommendation of this kind put to it by the tribunal, which is required to put forward a recommendation and report under section 7 of the Salaries and Allowances Tribunal Act.

In the past the question of the remuneration of the judiciary has been put to us by way of amendments to Acts following recommendations made by *ad hoc* committees and by other persons or groups of persons; and that appears to me—certainly in retrospect—to have been less than satisfactory, because no policy was established in this process in respect of the way in which remuneration should be fixed. Nor was any continuity maintained, and there was less chance of establishing some sort of consistency in the fixation of

remuneration. Now for the first time we have the opportunity better to achieve this.

The report of the tribunal touching on judicial salaries was dated the 8th August and tabled in this House on the 12th August as paper No. 270. As a Parliament we must now decide whether we should adopt the recommendations, vary them in some form or other, or reject them entirely. Of course, in each case we have a very real obligation—and especially if we want to meddle with the recommendations—to give some cogent reasons for our action. In a sense we are a price fixing body—which has become a rather familiar role for this Parliament—although perhaps we are more of an appellate body examining the recommendations and grounds and not being prepared to tamper with the recommendations unless we can give very good reasons for so doing.

The Opposition has studied the report and the recommendations. In its report the tribunal said it has applied in its approach to the fixing of these remunerations basically the same approach it applied in determining the salaries to be paid to Ministers of the Crown and others. This seems right enough, and it is also an indication of consistency which we in the Opposition believe is very desirable. The tribunal said furthermore that it has had regard for the guidelines laid down by the Australian Conciliation and Arbitration Commission judgment on the 30th April, 1975, in respect of the national wage case. It has also given consideration to the catch-up concept which relates these salaries to the wage movements in the community. The tribunal states it is far more important to give consideration to the matter of catch-up within this State, rather than go outside of the State.

Whilst it has set forth in its report details of the remuneration paid to the judiciary in other States, the tribunal points out that it has done this more for the sake of providing information than for any other purpose, believing that the catch-up should be more intrastate than interstate. The matter of catch-up has been the most vital part of the considerations of the tribunal, because it observes that members of the judiciary had their salaries fixed from the 1st July, 1974, at which time there is evidence to suggest that they should have received an increase of something like 33 per cent, but for various reasons that increase was not given but was compressed down to 20 per cent. That is a rather sizeable compression. Since that time other people coming within the ambit of the tribunal's jurisdiction have not been subjected to any reduction of this or any other kind. So quite obviously judges have found themselves considerably disadvantaged.

It was because of this position that the tribunal paid particular consideration to the need for "catch-up"—not for advancement, but for restoring the position, which is called "catch-up"—and has also considered certain other aspects to which it has referred in its report and which I need not go into now. The tribunal said the increase from the 8th August this year should be 25 per cent of the existing remuneration. For the reasons I have mentioned, the Opposition accepts that the increase is reasonable in the circumstances; for that reason, we support the Bill.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [2.50 p.m.]: I should like to say a few words on this matter along a line similar to the one I took during an earlier debate on another tribunal matter. I find fault with the newly-established tribunal and I feel the sooner we can get away from this sort of situation and establish a universal body which will bring down judges' salaries for the whole of Australia, the better off we will be. It is true that not each State has the same sort of judicial system. For instance, on our scale of emoluments, we regard senior puisne judges as being almost at the top of the scale, whereas I notice that none of the other States classifies them so highly; I assume the other States do not classify any of their puisne judges as senior and as a consequence he receives no extra emolument. Likewise, Tasmania does not have district court judges although I understand they are about to establish a district court judge system.

The main thing we must remember is that judges are judges, wherever they are and they should be respected as such and given a fair and equitable salary. No doubt many people in the community including those who should be better informed, would be very critical of the $40 500 received by a Chief Justice, and would regard it as excessive. However, by comparison with the remuneration being received in this day and age by people practising privately in the legal sphere and in the big commercial enterprises it is not a very high emolument and we cannot be critical of the tribunal's recommendation.

However, I can be critical of the way the recommendation has been arrived at and the suggestion of the tribunal that it should not deal with comparisons. I believe comparisons to be most essential; they refer to judgments and decisions of the national wage case and that sort of thing. I wonder how one would get on in a national wage case by trying to consider the separate circumstances of tradesmen in each State; it just would not work, and the members of the tribunal should know better than to make such a suggestion.

The three members of the tribunal are respected citizens, two of whom have been playing around for many years with the

finances involved in wage fixation. Although wages represent the biggest expense to Government services and private enterprise generally, I would suggest that the basis used to arrive at the recommendation, and the statements of the tribunal in its report are a lot of nonsense. Of course we must compare our judges with judges in other States, otherwise we will reach the situation of paying a judge in Western Australia half the salary received by a judge in another State.

I know how hard it is to obtain people of a high calibre from the legal profession for appointment to the judiciary; we experienced that problem when in Government and no doubt the present Government will experience it when it has to appoint another judge. There is something wrong when the tribunal says that our judges' salaries should not be compared with salaries received elsewhere; I believe a comparison is necessary.

If the tribunal is going to use national issues on which to base its argument, salaries should be set on a national basis. Each State would not be involved to the same degree because the smaller States would not have as many members of their judiciary as other States and as a consequence it would not cost them as much. The task of a judge would not be any less onerous in Hobart than it would in Sydney; their responsibilities are much the same.

If any variation is desired, it could be made to the allowances provided to the judges; I notice this is done in certain categories in other States. It may be that it is necessary to pay higher allowances in this State than apply in South Australia, Tasmania, or Victoria because of the greater distances judges must travel when the Criminal Court is away from the capital city and travelling on the circuit system. In other States, judges would not be involved in such widespread travel and would not be away from home as long as judges in Western Australia.

There should not be the disparity between the salaries of judges in New South Wales and in this State that exists at present, and the Premier should work towards avoiding the type of stupidity shown by this tribunal which in one part of its report places itself behind the principle of wage justification and in another, runs away from a comparison between similar categories, which is a vital part of any wage classification tribunal.

The Premier knows that what I say is correct. For instance, when the people employed in the metal trades receive an increase, other organisations of tradesmen get adjustments to bring them into line with the metal workers; this has been commonplace for many years, and no three people in this community, set up as a tribunal such as the Salaries and Allowances Tribunal, have been able to break that principle. This is a standard procedure in our community and the tribunal will not be able to get away from that fact; nor should it be encouraged to do so.

I have no objection to the increases recommended by the tribunal; in fact, I believe they should have been a little higher, to bring our judges into line with other States. However, that is up to the Premier; he may be prepared to accept the recommendation to pay our judges at a lower rate than that received elsewhere; it is the Premier who will have to put up with that situation, and argue with the judiciary. I support the Bill.

SIR CHARLES COURT (Nedlands—Premier) [2.58 p.m.]: I thank the two honourable members for their support and comments in respect of this Bill. I think the matter was fairly stated by the member for Mt. Hawthorn, in presenting the views of the Opposition. The comments of the Deputy Leader of the Opposition have been noted; I can see the line of his argument in the matter. However, I submit with respect that the tribunal, in making its first finding was endeavouring to handle the situation in a very delicate way in changing from an old order to a new order. It is stated quite frankly in the second reading speech—and was referred to by honourable members opposite—that when we made the last adjustment, in deference to wishes expressed in a number of quarters we did not increase salaries to the extent we perhaps should have at that time.

History records that when we do these things in an artificial type of way, sooner or later they catch up to us. I assume from my reading of the tribunal's report that it intends to look again at this total question, and will have some regard for, but not be completely dictated to by, the experience in other States.

The matter raised by the Deputy Leader of the Opposition relating to the desirability of achieving some degree of uniformity in these matters of course is as old as I can remember; in fact, it was one of the first issues I remember being raised in this House when I first came here. Somehow or other it has been impracticable to get the Premiers and the Commonwealth to agree on this issue.

Mr Jamieson: They would argue extremely loudly if the fixed wage for a fitter were different in each State.

Sir CHARLES COURT: I will deal just with the judges. From time to time arguments have been advanced that the conditions in each State are slightly different. I accept the fact that if a person were to be the Chief Justice in any of the States he would have to have legal qualifications on at least the same level of

attainment. Such a person, perhaps, would have to hear cases dealing with different amounts, but in New South Wales he would not have to deal with cases that had principles different from those that would apply in Western Australia or in South Australia. In fact, some of the most difficult decisions would have to be made in the smaller States. For example, take some of the arguments arising from the bridge disaster in Tasmania. I could imagine that some very difficult decisions would have to be made in that matter if it became a court case. Therefore the size of the State is no guide to the complexity of the decision that has to be made by the judges in each State, and so I would not argue about the competence required, whether the judge be in a small or a large State.

I have confidence in the tribunal and, indeed, this is the first report of the tribunal, by the way, and it had to make a decision quickly to conform with the law and the wishes of the parties. It now has more time to look at the total question and receive submissions from each of the parties involved and then come forward with the recommendations at a time it considers appropriate, and certainly no later than the time provided in the Statute.

There is an anomalous situation about which I have made inquiries. It relates to the question raised by the Deputy Leader of the Opposition in respect of allowances. It is significant that we have reference to these in New South Wales, Victoria and Queensland, but not in South Australia, Tasmania or Western Australia. This could produce an anomaly, because I cannot imagine the situation is different in principle so far as an allowance is concerned if the Chief Justice of New South Wales needs it, and the same applies in Queensland and Victoria.

I should imagine that a similar set of circumstances exists here about relativity or uniformity. However, no doubt that will be faced when the tribunal considers further evidence on the matter and I for one am prepared to accept that this is the first report of the tribunal, and I accept without question that there will be a further review of the procedures and the relativity of the various trends throughout Australia when further evidence is submitted by the various parties. I would be surprised indeed if the judges do not make some submissions on trends. It is their right and I think they have some responsibility to do just that.

The other point I should make, now that the question of anomalies has been raised by the Deputy Leader of the Opposition, relates to judges' pensions. I have asked for these to be reviewed because I find there are anomalies which are much more serious in the question of pensions in all the States and the Commonwealth than in the question of salaries. I felt it was time this whole question was re-examined, because judges in our State die at approximately the same age as do judges in other States. They will have widows in the same way as judges in other States and it does seem anomalous that there is a considerable difference between the pensions of judges, bearing in mind that judges are in a peculiar position in respect of a pension, superannuation, or whatever one may like to call it. The very nature of their duties and responsibilities means that they do not get called to this high office until they are very mature people. They have to have considerable experience in their own profession to justify their appointment and to establish their reputation and credibility in every way before they are invited to become a judge of the Supreme Court or District Court. Therefore their span of service after appointment is not very long; not as long as the normal term expected in the Public Service.

Therefore we have to have another look at this aspect, because the point made by the Deputy Leader of the Opposition is pertinent. In making these judicial appointments not only is there the question of competence and professional reputation to be considered, but for the appointee there is a certain degree of achievement and professional prestige. However, of itself, this is not sufficient to attract the right people and I think we will have to look not only at the question of remuneration but also at the question of judges' pensions, because these will become increasingly important in an effort to attract the right people at the right stage from their profession to the bench.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MARKETING OF BARLEY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR H. D. EVANS (Warren) [3.08 p.m.]: In his introductory notes the Minister for Agriculture indicated that this measure was purely an interim one and was brought before the House to ensure that the marketing of barley continued in the 1974-75 season irrespective of whether or not a statutory authority for marketing of coarse grains was established. He explained that the Western Australian Barley Marketing Board had an ongoing agreement with the Grain Pool of Western

Australia so that the Grain Pool could act as its marketing agent in this State and provide any of its staff requirements. This agreement, in regard to that particular aspect of the industry, required 12 months' notice of termination by either party.

As a result of the proposal to establish a single grain marketing authority and owing to the fact that the existing Act lapsed on the 9th December, the board has already given notice to the Grain Pool that it intends to terminate this agreement as from the 30th June, 1975. If this were not agreed to it would be difficult for the barley growers of Western Australia.

The normal marketing practice follows a world-wide pattern and is subject to tremendous price fluctuations, depending on the availability not only of barley but other grains, because price-wise they have an interlocking effect one upon the other. The board did not feel it was able to make arrangements for sales in 1975-76 unless it was assured the existing Act would continue in operation in the event of a single marketing authority not being established. It would appear that the purpose of the Bill before us is to ensure that the marketing of barley will proceed whether or not that single grain marketing authority is established.

In reply to a question asked earlier this week the Minister replied that it was his intention to introduce a Bill to set up a single grain marketing authority in Western Australia, and two points arise out of this. Firstly, it would be interesting to know the nature of the transitional problems that are expected and anticipated, particularly in respect of the time factor in taking over operations by the single marketing authority when it is set up.

The need to extend the Marketing of Barley Act for a period of five years requires explanation, if it is proposed to introduce legislation to establish a single grain marketing authority this year. An extension of the existing Act for one year would demonstrate with much more confidence the intentions of the Government in this regard. Why, therefore, is it necessary to extend the existing Act for a period of five years, if it is already determined that a single marketing authority will be introduced in the very near future?

The second point that arises relates to criticism. The proposal to set up a single grain marketing authority goes back to at least 1972 in the term of office of the previous Government. At that time the matter was canvassed, and the procedural mechanism was set up. The way was made clear to enable discussions between the interested parties to proceed. Today, after 1½ years of office by the present Government, we have only an indication that the single marketing authority is to become a reality.

This suggests to me there may be some unnecessary delay, and even tardiness, on the part of the Government in achieving its objective. We on this side of the House certainly have no desire to interfere with or to upset the harmonious operation of the marketing of any grain crop or, indeed, any agricultural product in this State. It is for this reason that we on this side are happy to agree to the passage of the measure.

However, there are several individual matters which should be clarified. The whole question of grain marketing is a very broad and a very important one. It is a matter in respect of which the Opposition will take the opportunity to enter into in-depth debate when the Bill to set up the single marketing authority is before the House. In the meantime, in view of our consistent co-operation, the Minister owes something by way of explanation of the points I have raised, which seem to be rather obscure.

MR OLD (Katanning—Minister for Agriculture) [3.14 p.m.]: The member for Warren has mentioned several points which I will endeavour to answer. He feels we might experience difficulties during the transitional period of the legislation, but I do not visualise any difficulties. He mentioned the single marketing authority Bill had been under consideration and in train since 1972, so obviously he realised the complexities of it. However, I feel quite confident that we have overcome most of the difficulties, and I do not anticipate there will be any problem in passing the measure in the current session of Parliament.

In this Bill to amend the Marketing of Barley Act it is proposed that the term be extended for five years. The reason is that it is as easy to extend it for five years as for one year. Furthermore, in the very unlikely event of the proposed new legislation not weathering the storm in its passage through Parliament the marketing of barley will be protected. However, I do not anticipate it will be necessary to extend this Act for five years. This five-year period is purely a figure which has been chosen, and I do not see anything sinister in it.

I can assure the member for Warren that there is no tardiness on the part of the Government or the department in having the legislation to establish a single marketing authority brought before the House. I will certainly bring it forward as soon as possible.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

Debate resumed from the 17th April.

MR McIVER (Avon) [3.18 p.m.]: This Bill has been on the notice paper so long that it is beginning to turn rusty, like the railway lines it proposes to close. It is of no great significance, and in accordance with the desires of the residents of the regions affected the Opposition does not intend to oppose it in any form. Of course, as a formality the Bill has to be passed by this Parliament to enable the closure of the lines to be ratified in accordance with Statute.

The Dwellingup-Boddington line, like many other lines of its era, has certainly played a dramatic and very prominent part in the progress of Western Australia. It was opened in 1910, and continued operating right up to the 1st November, 1969. Of course, in that period the main freight comprised timber, grain, superphosphate, and wool, as well as other incidental and rather insignificant commodities which did not play a very great part in the economy of Western Australia. It is not a very long line; in fact it is only 48 kilometres.

I mentioned that the Opposition did not object to the closure. In fact, in 1972 the then Minister for Railways moved for its closure, but because of the mining interests in the Shires of Greenbushes and Boddington, it was felt that the line might be utilised for the transport of bauxite. At that time the mining operations were in their initial stages. However, a further feasibility study clearly indicated that this would not be desirable economically and so there is no need to delay the closure further. The closure of this line illustrates to me personally one point. One cannot prophesy regarding the future. If someone had told me 10 years ago that I would be standing here in the Legislative Assembly supporting the closure of a railway line I would have thought he was either intoxicated or on the brink of insanity. One can never foretell what lies ahead; one can only assume what might occur.

The closure of the line is necessary because of the progress the railways of Western Australia have made during the period between when the line was opened —in the 1910-1913 era—and now. These days we see great multi-coupled and triple-coupled locomotives roaring down the Avon Valley pulling thousands of tonnes of freight. In comparison, the line to be closed carried small tonnages mainly because of the gradient involved.

There is no need to labour the debate on this Bill. The only point I wish to raise with the Minister concerns a letter I received from the Boddington Shire Council. It contains only three paragraphs and, with your permission, Mr Speaker, I will read it for the interest of the Minister. It is as follows—

> re: Dwellingup-Boddington Railway.
> Considerable interest is being shown by district residents and others in ensuring the railway lines from Dwellingup to Boddington are not removed or destroyed. The reasons behind this interest are tourist orientated as it is believed this line, which travels through magnificent Forestry and Hills vistas, has great future tourist potential.
>
> The Pinjarra Steam and Hills Railway Preservation Society have expressed keen interest in the line and have made an inspection with a railway expert, I am told, who assured them the line could be made operable at very reasonable cost.
>
> Council is requesting therefore, that no action be taken to remove the rails and ancillary equipment from the line until the full tourist potential aspect has been thoroughly investigated. Your support for the line's retention is therefore earnestly requested and will be deeply appreciated.

I replied to the letter.

I do not know who is the member representing the area, but I wish to draw to his attention the fact that the letter has been received.

I hope the Minister will give favourable consideration to the request of the shire clerk, although I would say that after this long time and the line having been out of operation, the Government would be involved in a considerable sum of money in order to upgrade it to bring it to a standard to cater for rolling stock.

Mr O'Connor: You would understand this.

Mr McIVER: I do not know what the shire clerk means when he refers to a railway expert. However, the Minister is no doubt aware of the situation and I have raised the matter in the House at the request of the Boddington Shire.

Although not relevant to the Bill, I would like to say in conclusion how delighted I was to read in the Press that the Government does not intend to continue with its policy of making the suburban railways redundant. I see this as a further retraction of Government policy and I am wondering whether the job is getting too big for the Government. It does not seem to be able to handle the situation because when there is a little pressure from various sources the Government crumples like a wafer biscuit. Nevertheless the decision in connection with the retention of the railway services in the metropolitan area will be received with delight by the people of Western Australia.

Mr O'Connor: It was not a change of mind on the part of the Government. This is the first time a decision has been made on the subject.

Mr McIVER: I am only saying that the Government made it quite plain that it had no intention of retaining the particular railway line in question and I think it was because of the strong representation of the railway unions and the general public that the decision has been changed as has been the case on education policies and various other issues.

However, that matter is not covered by the Bill and I do not wish to digress. With those remarks I support the measure.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [3.26 p.m.]: I thank the honourable member for his remarks in support of the Bill. I was not sure he would have had sufficient time in which to study the measure and I would have agreed to an adjournment had he required further time!

In connection with his comments concerning the Boddington Shire Council and its request to retain the line in that area, I must say that tremendous difficulties are involved because the line has deteriorated. When sleepers are left for any period of time without trains running over the lines, they do deteriorate. In addition there is a fair amount of growth around the line. Nevertheless, I have referred the request to the commissioner, but there is extreme doubt as to whether the Railways Department, with the limited funds available to it, would be prepared to spend money on this work instead of on the maintenance of main tracks, which work we believe is fairly essential.

In relation to the comment on the metropolitan area section, Cabinet made a decision only last week and we will be taking the matter to the Commonwealth on Friday next to try to gain support from that particular area.

I again thank the honourable member for his support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

STATE HOUSING DEATH BENEFIT SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR B. T. BURKE (Balga) [3.30 p.m.]: The Opposition supports this Bill and wishes to make only one point. It is time the Government and the State Housing Commission directed some attention to the level at which the benefits, which are available under the Act we are now amending, are currently paid. It seems to us that the time has arrived to take a more realistic view of the situation in which bereaved single parents find themselves on the death of the breadwinner. Perhaps the Government will turn its attention to lifting the levels which apply currently under the Act.

Apart from saying that, I repeat the Opposition supports the Bill.

MR P. V. JONES (Narrogin—Minister for Housing) [3.31 p.m.]: I thank the member for Balga for indicating the support of the Opposition to the Bill. The point he made regarding the benefits which are available is quite relevant. During my second reading speech I outlined the benefits available, and the groups to which they were payable.

I will undertake to have the point, which was raised by the honourable member, looked at for possible consideration in the future.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR BARNETT (Rockingham) [3.33 p.m.]: Primarily this Bill gives greater flexibility to the department for the protection and preservation of fauna and to that extent we are in favour of the amendment. A number of consequential amendments take up the bulk of the Bill. There will be several changes, such as changing the title of "Chief Warden of Fauna" to "Conservator of Wildlife". The title of "warden" will also be changed to "wildlife officer" and those changes are quite acceptable. Because of the stigma attaching to the title of "warden" it will probably be more acceptable to have a wildlife officer rather than a warden to carry out investigations. It is also pleasing to note that the difference between a "sanctuary" and a "reserve" will be cleared up.

To that stage we feel the measure is something of which the Minister can be justifiably proud. However, for the Bill to be completely acceptable to the Opposition it would be necessary for the Government to remove the objectionable provisions contained in clause 23 (b) (vii) which allow a

warden—who will become a wildlife officer —to enter and search a person's backyard or curtilage without a warrant. He will be able to take that action regardless of whether or not the occupier is present. We feel this police-state type of legislation is just not on. Too many Bills containing this type of provision have come forward recently. The provision is totally unnecessary and I am sure it is objectionable to the majority of Western Australians.

It has been said on many occasions that an Englishman's home is his castle. Surely that does not mean that his castle consists only of the area within the four walls where he eats his meals and sleeps. Surely his castle includes the garden around his residence, and around which he has placed a fence. That area should be free from the type of action envisaged by this Bill. It is easy enough, in this day and age, for a warden or an officer to obtain a warrant if he feels it is necessary for him to enter a backyard to carry out an investigation.

Whilst I hope it is not so, I do not think there is much chance that the Minister will remove the provision to which we object. It seems, from a reading of his introductory speech, that the Government considers it is necessary. We do not consider it to be necessary and I sincerely hope he will give some consideration to deleting the clause.

MR HARTREY (Boulder-Dundas) [3.37 p.m.]: I support the remarks submitted to the House by the member for Rockingham. I do hope that his prognosis that the Government will not accept his request to delete the provision he mentioned is wrong, because I do not see how any party, which, as I believe, sincerely calls itself the Liberal Party, can actually pass legislation to provide for the invasion of an individual's private home.

I concede the good English proverb that an Englishman's home is his castle, and that it applies equally to an Australian. Our home is still our castle, whether we are English or not. Although I rather deplore the breaking of our English connection, I am proud of being an Australian and I do not think we have any less regard for the personal liberty which we have inherited from our English forebears.

Not only do the English people and the Australian people consider their homes to be their castles, but even the downtrodden French peasants, prior to the revolution, had a similar motto of their own. It was *Le charbonier est maitre chez-soi* which means that even a charcoal burner, the poorest individual in the country, was master of his own home. That is the same principle; every man should be master of his own home.

A famous English statesman used these words in defence of King George I; "A poor man's roof may leak; the walls of his cottage may be too thin to keep out the wind or the rain. But it can still keep out the King, unless the King claims to enter by due process of law."

Even the king's servants had to have legal authority before they could break into a house. Yet we are expected to provide that inspectors and officers may break into a home and take charge, without a warrant. I have not heard of anything so damned silly in my life.

I do not think my friends in Opposition have appreciated this point; it seems to have been taken for granted. I ask the Minister to have a look at the point raised by the member for Rockingham. It is ridiculous to say that because some petty bureaucrat imagines the department should exercise such power throughout the State inspectors should have such powers. I referred to this matter of bureaucracy when I spoke earlier this year, on the 8th April.

It is unthinkable that some licker of stamps, inspector of sparrows, or authority on sewers and "dunny cans" can break into one's house without any authority whatsoever because he is an officer of the State. I am sure we have not come to that yet, and I think the Government should accede to the request of the member for Rockingham. I certainly support the request. I ask the Liberal Party to remember it stands for liberty of the subject and it should not take it away for the sake of an inspector of sparrows.

MR P. V. JONES (Narrogin—Minister for Fisheries and Wildlife) [3.41 p.m.]: I thank the two members who have contributed to the debate for the support they have given to some of the provisions.

Mr Hartrey: I have not supported anything.

Mr P. V. JONES: I suggest to the member for Boulder-Dundas that wildlife officers are neither lickers of stamps nor inspectors of sparrows. They are in fact responsible members of a department who are doing a responsible job, and in the context in which the Bill gives them powers to do certain things they are clearly being given a responsibility which they are expected to discharge.

Mr Hartrey: I am not prepared to give it to them.

Mr P. V. JONES: In my second reading speech I indicated the circumstances under which that power would be discharged and the responsibility which is expected of the officers in this context. I remind the two members that we are asking for authority to enter upon suburban land when there are reasonable grounds for suspecting an offence has been or is about to be committed. This authority is already

bestowed on a wide group of enforcement officers, and I appreciate that the member for Boulder-Dundas will be opposed to it in every case.

Mr Barnett: It is not suburban ground; it is private property.

Mr P. V. JONES: In the context in which we are asking for this power, we consider it is rarely if ever abused because where possible the officers are specifically instructed to seek prior authority. We feel this power is necessary and have no intention of removing it from the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr P. V. Jones (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 to 22 put and passed.

Clause 23: Section 20 amended—

Mr BARNETT: Further to remarks which have just been made by the member for Boulder-Dundas and me in relation to subparagraph (vii) of paragraph (b) of this clause, I would like to read part of the Minister's introductory speech. He said—

> Another additional authority sought is to give wardens, or wildlife officers, as they will be called, authority to enter upon suburban land—

It is not just suburban land. We are talking about private property and it should be described as such. The Minister continued—

> —but not dwellings—when they have reasonable grounds for suspecting that an offence has been or is about to be committed.
>
> This authority is already bestowed on a wide group of enforcement officers under various State and Commonwealth Acts or regulations, including inspectors under the Fisheries Act—

Sitting suspended from 3.45 to 4.03 p.m.

Mr BARNETT: Before the afternoon tea suspension I had referred to the Minister's second reading speech, and I had reached the stage where he said that this authority is already bestowed on a wide group of enforcement officers, including inspectors under the Fisheries Act. The fact that this provision appears in other legislation does not make it right. I do not like it in other legislation. Surely the Minister remembers that when a similar provision appeared in the Fisheries Act Amendment Bill brought forward in this Chamber recently, we objected to it also at that time.

The Minister went on to say that the authority is rarely, if ever, abused. By saying this, he implied that perhaps sometimes it is abused. Of course it can be abused. The Minister said that his officers would have to seek prior approval before they went into someone's private residence. If that is so, why was it not included in the legislation? It could quite easily have been included, and whilst it would not be acceptable to us, it would be a lot better than the present situation.

The Minister went on to tell us that he had only responsible officers in his department. I wonder just how much training these officers have had. Several years ago, before I became a member of Parliament, I was a keen aviculturist, and I had a large number of birds in my care. These responsible officers from the department would walk along my battery of aviaries to check the number and type of birds. However, they would then approach me to tell them the types of birds in each aviary because they did not know many of the species. If they do not have this knowledge, they should not be permitted into private residences to check numbers and classifications. The legislation itself does not make the officers any more responsible.

After listening to the member for Boulder-Dundas, I too hope sincerely that my earlier prognosis will be incorrect. I hope members of the Government will agree that this type of police-state legislation is not warranted. It is objectionable to members on this side, and I am sure it is objectionable to every person who has any common sense at all. A man's home is his castle, but it will not be for much longer if we are confronted continually with provisions like this in legislation initiated by the Liberal Party.

Mr HARTREY: Once again I wish to second and support the very cogent and appropriate remarks of the member for Rockingham. I do not believe the Minister appreciates the effect of subparagraph (vii) of paragraph (b) of clause 23 of the Bill. It is proposed to delete from the present Act the words, "or enclosed garden or curtilage of a dwelling house". At the present time wardens and inspectors from the department cannot invade a man's home or its immediate surroundings. In the case of a person who owns a property of, say, 500 000 acres, I would not believe all this area should be inviolable—that would be ridiculous. However, his home should not be open to invasion by anyone without due process of law.

A police officer could not obtain a warrant to search my house without cause. He would have to swear first of all that some illegal act was being performed there or that I had something which had been illegally obtained. This legislation will preserve the sanctity of the four walls surrounding a person's home, but departmental officers could invade, say, a front or back verandah. To use a colloquialism, they cannot take the bird out of one's bedroom, but they can take it off one's

verandah! There is no need to enact such an outrageous piece of legislation in this country, and I do not think the Minister fully appreciates the effect of this provision. Surely it is not necessary for the protection of the community; and only some grave necessity to protect the needs of the community should justify such an extreme invasion of the liberty of the individual.

Before I would agree that any man's liberty should be subordinated to the well-being of the community as a whole, it must be established to my satisfaction that the need to protect the interests of the community is so vital as to justify such an outstanding invasion of that person's private rights and individual liberties. I do not think the Minister could possibly justify that. He has said these men will be reasonable. I suppose some of them will be, but I know damn well some will not. Amongst these people we will always find the obnoxious type. I can assure the Minister that many of these officers will be punched on the nose, and there will be trouble.

Mr Skidmore: If they came to my place I would punch them on the nose.

Mr HARTREY: I would be very tempted myself; I might get a hiding, but I would be very tempted to punch one on the nose. Why provoke the electors who put us here as their representatives? Why should the Minister go out of his way to do this simply because a Government department says it wants to do it? Government departments do not run this country; and they would not if we did not allow them to. They will run it if we do allow them to. That is why we should act as the Legislative Assembly of Western Australia —all parties acting together—to tell the departments that on one particular subject, the invasion of personal privacy and liberty, Government departments are not running this country and that members of this Chamber are here not to permit this sort of thing unless there is very good cause to believe it is necessary for the safety and security of the country.

If it is a question of invading a private home to find spies during time of war, or if it is a question of seeking to find persons trafficking in drugs, it might be legitimate to do so because those are matters which seriously affect the security of the community as a whole. But how the presence of some birds could seriously affect the safety and security of the community as a whole is unimaginable. Therefore, there is nothing to justify so gross an invasion of the personal liberty of the householder.

This is irrespective of whether the householder is a member of the Liberal Party or the Labor Party, a communist, or a member of the DLP or the NCP. He is just a citizen who can vote as he likes. His rights are just as defensible and just as indefeasible irrespective of whether he is rich or poor, black or white, and no matter what his religious or political persuasion.

Mr P. V. JONES: Despite the unreasoned eloquence of the member for Boulder-Dundas the Government has no intention of accepting amendments to this clause.

I would like to make only two comments. Firstly, the powers that exist in other Acts are not under discussion; we are discussing only the powers referred to in this particular legislation. The reason that we are asking for this is so that wildlife wardens will be given powers to do the job we expect them to do. The other point I make is that the member for Rockingham cast aspersions on the officers of the department.

Mr Skidmore: Rightly so, too.

Mr P. V. JONES: I cannot let that go unanswered. If any member of the staff of the Fisheries and Wildlife Department has performed any irresponsible act I would like to know about it. I do not think it is a fair criticism of the personnel of the department to cast aspersions upon their actions and suggest they have acted irresponsibly, especially in this place where it can be done under privilege and the personnel have no right to answer. The Government is in no way able to accept any amendment to this clause.

Mr BARNETT: It is quite obvious to me the Minister has been sitting there half asleep and not listening. I did not cast unwarranted aspersions on any member of his department. I merely described a situation in which members of his department have come to my residence in the past and asked for my assistance in determining what are different types of birds. All I am saying is that these officers are not qualified, in certain instances, to do the job they are currently doing, let alone to do the job the Minister proposes they should do and for which he is giving them the authority to break into a person's residence.

They will be breaking in, because if my house and the fence surrounding it are locked there is no way to enter the property other than by breaking in, and the Minister is determined to give them that power. These officers have shown in the past that they just do not know their jobs. I am not casting unwarranted aspersions on them. What I have said here under privilege I have said in many places; indeed I have told them to their faces that they do not know their jobs. There is no way in the world they could know every animal and every bird in Western Australia, never mind the whole of Australia. The simple fact is that if they do not know their jobs to that extent they should not be given this authority.

Mr HARTREY: I wish to make much the same comment and to say that the Minister certainly was not listening to what the member for Rockingham said. The member for Rockingham was not talking about anything that has happened since the Minister joined the Ministry; the Minister is only a Johnny-come-lately. He talks proprietorily about his department and his officers, but he is only a political accident and the result of a political conspiracy, and is no great joy to his party.

In another debate last night the question was raised as to whether the Minister belongs to the Liberal Party; I say he belongs to that party in the same sense that Uncle Tom belonged to his owner in America in the days of slavery.

We are told that his department demands these rights and therefore it must be given them. Who can give away the rights of the people of Western Australia, as his department expects us to do? Nobody but us. Are we prepared to do it? I appeal—and I may be kicking something uphill—to the good natured and decent people on the other side of the House and urge them to put Jones back in his place for once and to stick up for the rights of the people who put them in this place, as well as for the rights of those who put me here.

Clause put and a division taken with the following result—

Ayes—22

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr Mensaros	Mr Clarko

(Teller)

Noes—18

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr J. T. Tonkin
Mr Fletcher	Mr Moller

(Teller)

Pairs

Ayes	Noes
Mr McPharlin	Mr T. H. Jones
Mr Sibson	Mr T. D. Evans
Mr O'Neil	Mr A. R. Tonkin
Dr Dadour	Mr H. D. Evans

Clause thus passed.

Clauses 24 to 33 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

MINERAL SANDS (WESTERN TITANIUM) AGREEMENT BILL

Second Reading

Debate resumed from the 14th August.

MR CARR (Geraldton) [4.23 p.m.]: There are two Bills on the notice paper which deal with mineral sands companies at Eneabba; the Bill before the House at the moment relates to Western Titanium Ltd. and the other concerns Allied Eneabba Pty. Ltd. I have a considerable number of points to make with regard to these Bills but as in most cases they are points common to both Bills, I propose to make all my comments on this Bill, and allow the Bill relating to Allied Eneabba to pass without debate.

Unfortunately, the Opposition has not had as much time to study these agreements as we would like. We have had exactly one week, and considering the two Bills involve something like 50 pages of small print, it has been a fairly hurried exercise to look through the agreements. However, we are fortunate in that the Bills are largely similar to previous mineral agreements, and we have not been able to find any great problems with them.

These two Bills are the first of four or five agreements which are to be signed with mineral companies in the Eneabba area. A. V. Jennings Industries Australia Ltd. and Allied Eneabba are both operating a wet mill at Eneabba at which they concentrate the ore into ore concentrate which is then transported to Meru, an industrial estate six miles from Geraldton; the ore then is further processed by a separation treatment prior to being shipped from the Port of Geraldton. Jennings Industries has been in operation for some time, and Allied Enebba is at a fairly late stage of construction at Meru; we expect activity from that company soon.

Western Titanium and Western Mining Corporation both will be concentrating their ores in the Eneabba-Jurien area and will also be separating various heavy minerals in that area. Much of the ore then will be transported to Geraldton for export.

I welcome these new industries from the point of view both of the State and of the Geraldton town and region; they will have a very favourable effect on the economy of the area and in particular will provide the economy with a diversification which heretofore has not been present. Previously the Geraldton economy has relied on being the service centre for the farming and crayfishing industries. While these two industries have stood the town in very good stead, when both industries went bad together, the economy of the town suffered. After all, they are both cyclical-type industries, and can encounter these problems. We have the example of 1970-71,

when the economy of the town was brought to a very low level because these two industries encountered a bad season.

Since that time, there has been a considerable diversification of industry. For example, the tourist industry has become very important in the region, and the building industry is increasing in importance to the stage where a Geraldton building company in doing much of the contractual work in the north-west. In addition, there have been advances in the wet fishing industry. The mineral sands industry is one of the most important in this range of diversified industries in the Geraldton region. It will give the town additional stability in that it will not have all its eggs in the one basket, but will have a number of industries, creating a stable economy.

The growth associated with these new industries is of benefit to the town. I have said before and I repeat now that I am not one of those who believes that growth by itself necessarily is good; I do not necessarily believe what is bigger must be better. However, the growth which has occurred in Geraldton as a result of the establishment of these industries has provided improved employment opportunities and has led to an improvement in the standard of service industries available in the town.

I am especially pleased that A. V. Jennings and Allied Eneabba will be doing part of their processing in Geraldton; the decision by Allied Eneabba to move into production at Geraldton is a fortunate one for the town, because recently we suffered fairly serious employment problems as a result of Geraldton Meat Exports closing down due to the poor markets for their products. Fortunately, a number of people previously employed at Geraldton Meat Exports have been able to secure employment with Allied Eneabba.

I regret that Western Titanium and Western Mining Corporation do not intend to process their ore in Geraldton; I regret also that Western Titanium will be railing something like 150 000 tonnes of ilmenite each year to Capel. However, we realise the reasons for this move; the company already has a plant established at Capel to further process the ilmenite ore, and this point is appreciated by people in the Geraldton region.

Looking forward, I hope other industrial plants are established in Geraldton to further process the mineral sands. I know we have in the agreements a condition that the companies concerned will continue to investigate the possibilities of establishing a further beneficiation plant in the area, and we look forward to this possibility becoming a reality. I regret that Western Mining presently is negotiating with the Government for permission to ship a substantial quanity of its product from Fremantle. I hope the Government will stand firm on this point and ensure that the product is exported from the Port of Geraldton. I understand officials from the Geraldton Port were meeting with the Minister today, and I hope they emphasised the importance to the port of having this product exported through Geraldton.

The agreement also includes environmental matters; it is something of an innovation to have environmental conditions actually stated in such an agreement. I regard this as a favourable trend and something which I hope will be embodied in all mineral agreements in the future.

The agreement also provides for an ongoing investigation of environmental matters, and this is also very pleasing. I could be wrong, but to my knowledge no environmental impact statement has been tabled relating to these agreements and I think it is a pity that has not occurred. I would like to see a situation develop where all future agreements are accompanied by an environmental impact statement at the time they are approved by Parliament. Fortunately there does not seem to be any environmental problem associated with this industry. I have spoken with officers of the Commonwealth Department of the Environment and Conservation and they have assured me that they have investigated the Eneabba mineral sands industry for environmental implications and are satisfied that no environmental danger is involved.

In this regard the Eneabba mineral sands area is extremely fortunate compared with other mineral sands areas, because practically all deposits of mineral sands are situated on shorelines and beachlines and at Eneabba we are told that we have a fortunate situation in that the site of the Eneabba mineral sands is where previously there was the beachline, but, of course, these mineral sands are now some 20 miles inland. This means there is no danger of the mineral sands mining destroying a popular or beautiful beach, because the deposits are close to the farming or scrub area.

The agreement provides that the area mined will be restored to its original state. No great difficulty should be met in restoring farmland to its original state after mining has taken place.

We welcome the news that the company will be using the railway and that a line will be constructed from Dongara to Eneabba, as has been mentioned in previous debates. We regret it is not a standard guage line, but that was intimated previously. As I understand it the

line is due to be completed in the second half of 1976. One problem is that prior to that road transport will be used by Allied Eneabba to transport its product to Geraldton. This will focus attention on one particular section of the road which at the moment is substandard, and with any pressure, as a result of its being used by these heavy vehicles, it could deteriorate materially.

I therefore draw the attention of the Minister for Transport to the condition of this particular section of the road which is situated near Greenough. It is in a fairly bad state. Some attempts have been made to improve the surface, but if a large number of heavy vehicles are to use that road, this section will need to be watched very closely. A great deal of money has been spent on restoring buildings for historical purposes, and it could almost be said that this road could be regarded as being historical and that money is required to be spent on it.

Mr O'Connor: I am aware of the condition of that section of the road.

Mr CARR: I am referring to the 10 or 20-mile stretch which is in a fairly bad condition.

I am also pleased that the existing port facilities in Geraldton will be used by these industries. In particular I am referring to Western Mining's iron ore loading facilities which were used to handle ore from Yandanooka. These facilities are to be used by the firms which will be exporting mineral sands through Geraldton, and it is pleasing to see this sort of co-operation. The industry will bring great advantages to the Geraldton Port Authority which is considering the extension of the fifth wharf at Geraldton.

This is an industry which we are pleased to welcome to Geraldton. I am sure the company concerned will do valuable work for the region in helping to decentralise industry and improve the region generally, and we support the Bill.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [4.35 p.m.]: The matter I want to touch on in the area which is the subject of this Bill, relates to water supplies and the future of large aquifers that are known to be in existence in the general location. A while ago my colleague mentioned that he had checked on environmental matters and that, generally, it was thought nothing could be disturbed or greatly damaged. However, this may not necessarily be the case as it has been known for a long time that in this general area there exists not only a vast water aquifer, but also an extremely large reserve of water thought to be of a potable standard.

Those who know the area would realise that many of the streams emanating from the hilly country and the plateau area, where wheat farming takes place near the old Geraldton road area, flow towards the coast and disappear into the plains which have been referred to by the member for Geraldton. Where the old coastline used to exist these streams disappear into the sand plains to form this great water reserve to which I have referred. There is a deal of knowledge about this reserve although it has not been tested to the ultimate and consequently its future use is possibly a little similar to the Gnangara mound which is situated north of the city. In the general area to the north between Perth and Geraldton there are about three of these water reserves and they are all very important to the State. Plans were in train and the Public Works Department has given some thought to the future to establish a comprehensive system and use this area as a base to supply water to the northern wheatbelt.

Therefore it would be disastrous if we allowed these agreements to go through without mentioning that some problems could arise as a result of this industry being established in the Eneabba area. Whilst I know there are many pages dealing with the requirements the firms concerned have to observe in respect of water supply, there are features in the treatment of these sands that could cause some pollution of the general supply of water in this area.

I will become particularly concerned if the firms, because of their own requirements, decide to use sea water, because this agreement grants to them a sea water license. It is all very well to pump in sea water to process these mineral sands—and no doubt the firms would use this water for sluicing and spinning to remove the mineral sands from the residue—but what is to become of the sea water which is used—and which no doubt will be used in vast quantities? I should hate to think that it would be left in this aquifer which exists between the plateau area I mentioned earlier and the coastal hills which more or less have a limestone rock barrier which prevents the water from running right through to the ocean and thus more or less retains it in that area.

Some members will know the area fairly well, especially those who attended the opening of the coast road some time ago and who probably had lunch at Lake Indoon where a section of the aquifer appears above the low-lying ground. The level of this lake does not vary in height, which indicates a vast supply of water that is kept replenished in the summer time despite the fact that evaporation in this area is quite substantial. So that is one example, and we should ensure that

this vast reservoir of water which is available to us is properly conserved. I think that possibly the company will be able to obtain sufficient water for its activities for a long time to come.

However, if the department decides to use this water for the other purposes mentioned in the agreement, and the company said that as a result it would require sea water, then some safeguards should be included in the Bill to enable the sea water to be disposed of. There is no suggestion in the agreement that, after use, the sea water will be pumped out to sea again. The agreement merely allows sea water to be pumped in.

Surely we would not want to have an aquifer with some of the water polluted. The water in that aquifer should be acceptable for human use and consumption, as it is at present. I am disappointed the Deputy Premier is not in the House. I suggest he look closely into this question. No doubt the officers of his department have looked into the clauses of the agreement dealing with water supplies. Between the Deputy Premier and the other Ministers concerned it should be possible for some assurance to be given that nothing will be done under the sea water license to pollute the water in the aquifer.

As the years go by this coastal area could become more and more important to the State. We should not do anything in this general area which will bring about the loss of a vast supply of potable water which ultimately might be more valuable to the State than the mineral sands there. There seems to be vast quantities of mineral sands in that area; and there would have to be, before companies could be induced to spend vast sums of money in their development.

However, there is a limit to the quantity of mineral sands that is available. When all of the sands are mined we want the aquifer to remain as it is so that the people of the Eneabba-Geraldton region will have an abundance of water, especially if this region grows rapidly. This point should be watched when we are putting the agreement through Parliament.

With those reservations I support the Bill. I hope the Ministers concerned will have a thorough look at this legislation before it is passed to ensure that sufficient safeguards are written into the agreement to overcome the problems I have mentioned.

MR MAY (Clontarf) [4.43 p.m.]: This agreement is between the Government of Western Australia and Allied Eneabba Pty. Ltd. When we have such an agreement before us some queries, which we on this side of the House consider have not been qualified, invariably arise. In this instance I would like to deal with the environmental aspect, and I intend to go through the second reading speech of the Minister point by point to indicate the matters with which we are concerned.

Clause 5 of the agreement appearing on page 8 of the Bill states that on or before the 30th September, 1975, it is incumbent on the company to do certain things in regard to environmental protection. When the Tonkin Government was in office we brought down the Environmental Protection Act, and at the time we were accused by the then Opposition of putting a lot of teeth into it. On this occasion it is very disturbing to have a Bill before us containing an agreement which provides for certain things relating to environmental protection to be looked at by a certain time.

Despite the fact that on or before the 30th September, 1975, the company is required to carry out certain conditions in regard to environmental protection we find this $20 million project to be a *fait accompli*. In fact, the plant is being commissioned very shortly. We will see the project in operation prior to any environmental impact study being undertaken. In my view such a study should have been carried out before that time. We knew that this project would get off the ground, even allowing for the flexibilities of the market for the sale of ilmenite, zircon, and other mineral sands. This aspect should have been investigated by the Government, and the company should have been required to undertake an environmental impact study before the project started. Whilst we appreciate this project is of value to Western Australia, nevertheless the matters I have mentioned should have been cleared up.

Mr Mensaros: Which clause in the agreement are you referring to?

Mr MAY: To the clause in the agreement on page 8 which states that on or before the 30th September, 1975, the company is to submit proposals regarding environmental protection.

Irrespective of the type of legislation that is brought before this House we invariably hear the same old question: Has an environmental study been undertaken into the project? In his contribution the Deputy Leader of the Opposition said that whilst certain aspects of the environment had been inquired into, the effect on aquifers and underground water supplies has not been investigated. Such an investigation is very important in an area like this one.

In mining projects, especially deep mining projects, the question of water supplies should receive close attention. In respect

of another matter that has been brought before Parliament, unfortunately the necessary inquiries were not made beforehand. In view of the great interest that has been shown by the public the environmental aspect of the project, which is the subject of the agreement, should have been investigated before the agreement came before us.

Another aspect to which I wish to refer briefly relates to the work force. There will be a work force of approximately 80 persons, and they will be associated with the operations at Eneabba.

Mr Mensaros: We are dealing with the Western Titanium agreement but you have been talking about the Allied Eneabba Pty. Ltd. agreement.

Mr MAY: It might save time if I dealt with the Allied Eneabba Pty. Ltd. agreement also. A town will be established at Eneabba where the work force of 80 persons will be housed. If those 80 persons are accommodated in 31 houses that will mean, in effect, there will be a population of approximately 200 people in that town.

In view of the decision of the Government in recent times indicating that Leeman will be the town to serve that area, it seems most unusual that there should be a duplication of infrastructure and facilities. If a town is to be established at Leeman to serve the Western Titanium project, and another at Eneabba to serve the Allied Eneabba Pty. Ltd. project, then I suggest the matter should be looked into.

If it is necessary to provide a doctor, a school, and other infrastructure facilities, they should all be located in one town. The area involved covers only 30 miles. At one stage I can recall the Department of Industrial Development being concerned when the companies requested that a townsite be established at Eneabba. The department was most anxious that it be located on the coast at Leeman. So, we will have one company served by the town of Leeman, and the other by the town of Eneabba. The Minister should give us the reasons for this company agreeing to the establishment of facilities at Leeman and Eneabba. In view of the flexibility of contracts I suggest that one town only should be established, and that should be at Leeman.

The other matter I wish to raise concerns rail service, and this aspect has been covered adequately by the member for Geraldton. The agreement in the Bill contains inadequate information regarding rail service. In his second reading speech the Minister said—

> In the period before the Eneabba-Dongara rail link is completed the company will transport all its production of heavy mineral concentrates by road from Eneabba to Meru. This is an interim operation and will cease immediately the rail link is completed.
>
> In the short term the company will transport its heavy minerals from Meru to the port by road.

He does not say how long it is intended that these mineral sands will be transported by road. As a matter of fact the Minister states that it will continue until the State deems it necessary that the company should use rail. I think it is imperative that the rail facilities be provided as quickly as possible in order that the railways can convey the mineral sands to Meru and then on to Geraldton for shipment. In view of the fact that in the majority of instances the railways convey these goods to the places in question, the Minister should give some indication as to when the Railways Department will be able to convey the mineral sands to Meru and then to Geraldton. To say that the company will use road transport until the Government deems it necessary that the company should use rail transport is not a reasonable proposal. The Government should indicate that the railways will be used as quickly as possible instead of the goods being carried by road.

These are just a few matters which concern me. I am fully in accord with the agreement. I believe the industry concerned is worth while. Both the Leader of the Opposition and I attended the opening at Eneabba and as far as I am concerned the industry will be worth while for the district.

It is unfortunate there is such flexibility in the market for this commodity, but I feel that in due course the steps taken to establish an industry in this particular area will prove valuable and the project will be worth while to the State.

The Opposition believes that developments in the Eneabba area could involve commodities other than mineral sands. I know for a fact that coal deposits are to be found there. While they may be uneconomic at the present time, with the high cost of oil and the possibility of another disruption in Middle East oil supplies any coal at any depth could become economic. It would all depend on the cost of oil. So, no matter what the price of oil and coal is at the present time, the coal deposits could ultimately become economic. I am quite sure that in due course the deposit of coal in that area will be of benefit to the State.

We must also consider the position in the Murchison area where there are large deposits of iron ore. At one stage we were considering the possibility of establishing in that area a deepwater port which would

open up the whole of the Murchison. Together, the iron ore, coal, and mineral sands would cover a large area.

I support this worth-while measure. I congratulate the companies concerned in their initiative in establishing these projects in the Eneabba area. We would appreciate it if, when replying, the Minister will clarify a few of the points I have mentioned.

MR MENSAROS (Floreat—Minister for Industrial Development) [4.54 p.m.]: I thank the Opposition for its support of the measure and the indication that the comments relate also to the Bill which is next on the notice paper. The very problems which were raised by various members, and justifiably so, are inherent in the fact that the policy to have an agreement between the State and the various companies in this field on these particular minerals was decided only when this Government came into power.

Soon after we were elected the opening ceremony of A. V. Jennings Industries was held. The Premier and I decided these operations, which hitherto had been based only on the Mining Act—and possibly had the Government not changed this would have continued to be the position—should come under an agreement between the companies and the State. We had very good reasons for this decision. Only one company was operating in 1974, but even in the initial stages of the development at that time it was obvious that if these companies could do whatever was most profitable for themselves in isolation, without any liaison with each other or the various departments of the State which have no direct bearing on the operations in accordance with the provisions of the Mining Act, then the whole development might proceed in a disorderly fashion with many disadvantages or potential disadvantages to the companies as well as the State. Some of these have been pointed out by various members of the Opposition.

However, we did adopt this beneficial policy. It was not very easy to negotiate with the companies which all had their rights under the Mining Act. Some of the companies had commenced construction and indeed Jennings was already in production. It was also very hard to make the companies realise that not only would the State benefit from an agreement, but also they would benefit because they could jointly participate in the development, thus gaining certain advantages.

The very first advantage of the negotiations was the establishment of the railway which I submit would never have been built had the companies operated purely under the Mining Act because each company was too small on its own that it would not have been economical for it to build a railway line. Each was permitted to transport by road, and so, a valuable asset and source of revenue to the State and cheap means of transport to the companies would have been lost quite easily. However, as a result of this policy, not only will the State acquire this asset and source of revenue, but also the companies will be advantaged. None of them could complain that this mode of transport is difficult or more expensive.

Mr May: How are you associating the Mining Act with these projects? You keep on saying that if it had not been for the Mining Act—

Mr MENSAROS: No. I said if it had been only for the Mining Act—

Mr May: I cannot see your reasoning.

Mr MENSAROS: There are two ways a mining company can operate. In any event it operates under the provisions of the Mining Act. However, in some cases the State has an agreement with the company.

Mr May: But the mining companies only get the tenements under the Mining Act. Then it goes to the Government for the other facilities—the infrastructure and everything else.

Mr MENSAROS: That is right. However, as far as I know there was no announced policy by the previous Government to have an agreement between the companies and the State. This is the policy we adopted, and what I am trying to say is that as a result of that policy some of the difficulties —and I will come to them in detail—were solved. Had we not adopted an agreement, these problems would have been larger and some of them could not have been solved.

What I am pointing out is that had the State not concluded an agreement with each of the companies—two of them are still outstanding, but will be concluded in due course—no railway would have been built.

Mr May: There are two different aspects: the Mining Act is one, and industrial development is another. I cannot see your reasoning.

Mr MENSAROS: I am not saying anything to the contrary. What I am saying is that if there is an agreement then many facilities are easier to organise, and one such facility is the railways. Each company separately would not have had a railway.

Mr May: That has nothing to do with the Mining Act.

Mr MENSAROS: I never said it had.

Mr May: You are implying it.

Mr MENSAROS: What I am implying—and I repeat it—is that had the companies operated purely under the provisions of

the Mining Act, which they had a right to do, and had not the State recommended and implemented an agreement, certain facilities would have been adopted in a different way and others would not have been provided.

In any event, the problems mentioned by the member for Geraldton and the Deputy Leader of the Opposition are being taken care of under the terms of the agreement. For instance, the member for Geraldton and the member for Clontarf referred to an environmental impact study. Again, the difference is obvious. The mining tenements which the company already has do not have attached to them, as a condition, an environmental impact statement. This is partly because the tenements were granted at a time when such statements were not in vogue. In normal circumstances an impact statement would not be requested for one mining tenement and it will be recalled that various mining tenements are included in these agreements.

The very fact that an impact statement is required rests on the policy that an agreement has been made with the company. Because the construction, particularly that concerning Allied Eneabba Pty. Ltd. is at a state of progress the agreements were not held up. The impact statement has to be submitted and will be examined by the State. There is nothing unusual about that, because in most agreements all aspects, including industrial and construction conditions, are to be submitted so that they can be examined by the State at a future given time. That is the position with regard to environmental impact statements in these agreements. I do not think this should be regarded as an omission on the part of the State but, on the contrary, it is an additional safeguard as a result of the policy of the State. There would have been a void if the companies had operated only under the conditions of the Mining Act and without an agreement with the State.

Mr May: Has the Environmental Protection Authority had a look at this particular agreement?

Mr MENSAROS: As the member will know, all departments which have the slightest connection with the subject of an agreement are consulted before the agreement is drawn up. That is common policy and it has always been followed.

Mr May: Would there be available a report by the Environmental Protection Authority on this matter?

Mr MENSAROS: I cannot say that. There is a provision in the agreement that the company has to submit an environmental impact statement before a given date.

Mr May: But you have not seen an environmental impact statement on this particular agreement?

Mr MENSAROS: No, it has to be submitted in the future. We are talking about the obligations of the company, which is the subject of the debate. It will have to submit an environmental impact statement.

Mr May: But you have not seen, as a Government, a report from the Environmental Protection Authority?

Mr MENSAROS: I have answered that question already.

Mr May, No, you have not answered it yet.

Mr MENSAROS: I suggest that if the member has any further comments he should bring them forward at the Committee stage.

Mr May: Does this mean the Government has not seen an Environmental Protection Authority study?

Mr MENSAROS: The Government has made it mandatory for the company to submit an environmental impact statement which will be examined.

Mr May: But you have not seen one yet?

Mr MENSAROS: How can I possibly see something which has yet to be submitted? The statement will be submitted in September whereas it is now only August.

Mr Jamieson: Now you get it.

Mr May: That is what we have been trying to tell you.

Mr Jamieson: There would be hell to play if the Minister for Local Government was on this side of the House and we tried to do what the Minister is now attempting. He would be screaming and jumping up and down.

Mr MENSAROS: I do not want to prolong the debate. It went along smoothly but we seem to have got outside the provisions of the Bill.

All I want to say, if I am allowed the opportunity, is that these problems have been looked at and they will be easier solved because of the terms of the agreement.

The next problem raised was in connection with road transport. Until the railway is completed the company must have the potential for road transport during the transition period.

Mr May: Can the Minister give us a timetable for the completion of the railway?

Mr MENSAROS: No, I cannot off hand at the present moment.

Mr May: But would not the Railways Department have some idea?

Mr MENSAROS: The Deputy Leader of the Opposition mentioned water supplies. This matter was thoroughly investigated. I pointed out, in my second reading speech, that I was personally involved in negotiations. The intention is that there will not be any mining of underground water. There will be provision for future research of the aquifer. Further provision sets out that the companies must make use of the available water in conjunction with each other. The Deputy Leader of the Opposition also mentioned the use of sea water and as he will realise this is something for the future. To include an exact provision in the agreement at the moment would not be practicable because there is no prospect that sea water will be used in the immediate future.

Mr Jamieson: I do not think so; sea water is used on the eastern coast.

Mr MENSAROS: But not at Eneabba.

Mr Jamieson: It could be used because of its proximity to the sea.

Mr MENSAROS: It would be premature to specify, exactly, provisions in connection with the use of sea water. That would be too restrictive, and I am sure the Deputy Leader of the Opposition will realise that when the companies require to use sea water in the processing the matter will be taken care of. The problem is very much in the minds of the officers of the Public Works Department.

Mr Jamieson: We had a problem with Laporte. Once a company has a license it is very hard to overcome.

Mr MENSAROS: I understand the point which has been raised and I am replying to it. If there is reason to provide for the use of sea water the potential dangers which have been mentioned—and they are well known and have been considered not only by my department but by officers of the Public Works Department—will be taken into consideration.

The same applies to the infrastructure. When the companies started to develop, separately, each provided accommodation for its workers as it saw fit, and where it saw fit. One purpose of the agreements is to unify development.

Western Titanium Ltd. suggested it should house the bulk of its work force at Leeman instead of at Eneabba. The company presented a very good argument and suggested that better accommodation under more satisfactory conditions could be provided for the workers near the coast. No argument could be raised against the proposition and, as the Deputy Leader of the Opposition is aware, the agreement provides that the company should bear the greatest share of expenses involved in the infrastructure. No greater burden will be placed on the State than would be the case if the settlement had been at Eneabba. I refer to the provision of water supplies and the construction of roads. The company is, indeed, contributing towards the capital expense.

Mr May: Will the State provide any duplication of services for Eneabba and Leeman?

Mr MENSAROS: No. As I said in my second reading speech, the company is contributing heavily towards all the services, including the school.

Mr May: Will the State have to provide any duplicate services at all?

Mr MENSAROS: Perhaps some services will have to be provided but I do not think they will be duplicated services. With X number of school children, whether they all be in Eneabba or some of them in Leeman, the same number of school teachers and classrooms will be required. It is therefore not anticipated there will be a great or important amount of duplication. Even if there were a small amount of duplication, either as a matter of choice or because the company, in consultation with its own officers who have some experience in these matters, considered it to be necessary, it would be well worth while because it would be for the benefit of all concerned for an insignificant expense.

The member for Geraldton mentioned the advantages which would accrue to Geraldton and the surrounding districts. This is appreciated. The member for Geraldton can be happy with the fact that there are few country districts in Western Australia which have such a balanced development enabling them to turn to one resource or another if a glut occurs in either an agricultural or an industrial activity.

In reply to the comment of the member for Geraldton regarding Western Mining Corporation, I advise that I have seen the

officers of the Geraldton Port Authority and they realise that although the State endeavours to negotiate an agreement with a company the Government would not exert compulsion on the company to the point where an operation became uneconomic.

The situation with the Western Mining Corporation was that, like so many other companies, it had to curtail its investment programme, and it would not at the present time be able to provide the storage and other facilities which would enable it to move its bulk material immediately from Geraldton. We could not force the company in any other way but by legislation, and it is almost unheard of to say to a company or individual, through legislation, "You must do this whereas others are free to choose." What we can do is persuade the company and incorporate in the agreement a condition that when the company becomes sufficiently viable to provide these facilities it will be obliged to move material through Geraldton. There will always be one exception in relation to containerised cargo, because the company will also be selling in bags. This is understood by the port authority.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MINERAL SANDS (ALLIED ENEABBA) AGREEMENT BILL

Second Reading

Debate resumed from the 14th August.

MR CARR (Geraldton) [5.17 p.m.]: I said at the commencement of my remarks on the previous Bill that this and the previous Bill were very similar and the remarks that could be made in relation to one would apply also to the other.

One point which came out of the debate on the previous Bill must be further commented upon. I refer to the environmental situation.

The SPEAKER: Does it relate to the present Bill?

Mr Jamieson: They are identical.

Mr CARR: We have the situation where some projects are under construction and some have already been in operation for months. Some time soon we are going to be advised of the environmental implications of these projects.

That is an extraordinary situation. If an environmental consideration is important in deciding whether or not a project should operate, surely it is reasonable to expect an environmental impact statement to be produced or some form of environmental study or investigation to be carried out before the project is put into operation. I realise that we have reached a stage which is too far advanced to stop the project now, but it is certainly a very strange state of affairs.

MR MENSAROS (Floreat—Minister for Industrial Development) [5.19 p.m.]: In replying to the honourable member's comment I will try to clarify the point which apparently was not understood previously.

The policy of the Government is to make agreements between the companies and the State. If this policy were not initiated and implemented the companies would still proceed to mine under the provisions of the Mining Act. There is no provision in the Mining Act for an environmental impact statement. Such a condition may be included when certain mining tenements are granted. I have not researched the origin of all the mining tenements which are enumerated but I think it would be found some of them go back quite a while and some of them might have been granted only two or three years ago.

Some of the leases may well have been granted by the member for Clontarf when he was the Minister and some of them even before that. None of the agreements included a condition to submit an environmental impact statement. I do not say this by way of criticism, as the honourable member did, because I know that environmental impact statements were not in vogue at the time and that the leases were granted without any of these conditions. So the only way that the company could have an obligation to submit an impact statement was to have an agreement with the particular company. The life of a lease is 21 years, and we cannot say that we want different conditions now from when the lease was granted. The House would not tolerate action of that type because members would say quite rightly—and particularly the member for Boulder-Dundas—that we cannot make retrospective legislation; we cannot take away people's acquired rights.

It is for this reason that impact statements were not asked for before. We did not want to retard the operation once we started to negotiate. We could not force the company, and we did not want to force it, to submit a statement. We simply said that in terms of this agreement it

would be to the advantage of the company and the State to submit a statement. It is a general practice today to submit environmental impact statements.

If it had been possible to prepare a statement in two days, the member for Geraldton, quite justifiably, could have asked: "What sort of statement can be prepared in two days or even two weeks?" So some period of time was necessary, and the company has engaged consultants to prepare a proper study. Hence, one of the conditions of the agreement is that the company is obliged to submit this statement. Of course, if the company does not do so, it will be in breach of the agreement and it will suffer the consequences.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Mensaros (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 3 put and passed.

Schedule—

Mr MAY: I believe the schedule provides me with the opportunity to seek clarification of a few of the Minister's remarks, and his statement in regard to the environmental situation needs a lot of clarification. It is all very well to say that when these mining tenements were granted to a particular company, there was no provision in the Act that the environmental situation had to receive attention. The Minister himself has introduced legislation into this House—and I refer to clause 6 of the Mining Bill—which provides that all mining tenements which are considered to be environmentally important should be referred to the Environmental Protection Authority. Even though that Bill has not been passed by the Chamber, in my opinion it is incumbent upon the Government to ensure that all environmental matters are suitably and fully covered.

It is all very well to say that the Government and a company have entered into this particular policy, but what Government and what company does not enter into a policy in a particular agreement? In every case these agreements are brought to Parliament; sometimes they are a *fait accompli* and sometimes they come to Parliament for ratification before signing. However, I believe environmental matters should be fully considered before an agreement is ratified by Parliament. Indeed, the Environmental Protection Act provides that these matters must be considered by Parliament prior to ratification.

Mining could be detrimental to the environment in an area which is only 40 to 50 miles from the coast. The Deputy Leader of the Opposition (the previous Minister for Works) has indicated that mining could have a possible detrimental effect on the aquifers in that area. So it is no good the Minister saying, "We did not do anything about it because it was not in the original agreement in regard to the tenements."

There has been so much controversy over environmental matters over the last two or three years, that surely this matter should have been foremost in any Government's thinking. I reiterate the remarks of the Deputy Leader of the Opposition: If the member for Dale had been sitting on this side he would have certainly raised this matter. He would have wanted a statement laid on the Table of the House.

We are trying to be helpful in regard to the legislation. We cannot find a reference to the completion of the railway line. So road transport will carry these heavy mineral sands from Eneabba either to Dongara or Meru, and then ultimately the Railways Department will carry the materials to Geraldton. Parliament should have been told what was going on—not that this may happen or could happen. Surely the Minister for Railways must know when the railway line will be completed. The reference in the two measures we have been discussing this evening is simply that the railway line will be constructed when deemed necessary. Surely a railway line must be constructed to a timetable, or an anticipated timetable. Once we start to carry certain commodities by road transport, it is amazing how the Railways Department is left behind. As the Railways Department will transport the goods to the mine, surely it should have the backloading.

Mr O'Connor: You knew contracts had been let for work on the railway.

Mr MAY: Yes, but why have we not been told the anticipated completion date?

Mr O'Connor: There is an anticipated date. One of the contracts is running a little behind.

Mr MAY: Surely the Minister would know the date within, say, six months or so. He may not have been in the Chamber when I brought this matter up previously. The Minister for Railways knows that when there is an inroad into railway revenue by road transport, it is very difficult to reverse the situation.

Mr O'Connor: Without being committed, I think the anticipated date is about March of next year.

Mr MAY: So long as we have a date, we know where we are going. Those are the two matters I wished to mention. I feel the matter of the environmental situation has not been covered by the Minister. It may have been our Government that approved of the mining tenement in the Eneabba area, although I am not sure of this. However, at that time there was no provision that mining tenements had to be referred to the Environmental Protection Authority. Nowadays, before any possibly controversial tenement is approved, the matter must be referred to the Environmental Protection Authority.

Mr Jamieson: That is proposed.

Mr MAY: Yes, that is proposed in the new Mining Bill.

Mr Mensaros: I do not see the point made by the honourable member, and I do not think he can see it either.

Mr MAY: All I am saying is that we included this in the original Mining Bill, and the present Government is merely carrying on in the same manner. However, I get back to the point that the Government should have brought down a statement and presented the Parliament with a study showing that the project is environmentally sound and should go ahead.

Mr MENSAROS: It is a pity we have to go through this type of discussion. The honourable member raised three matters. He referred to the member for Dale, who is a good friend of mine. However, I am not concerned with him in this debate, so that matter is disposed of.

In respect of the other two matters, the member for Clontarf virtually said, "We did not do anything about this, but you have, so why have you not done more?" That is his argument, because had his Government remained in office the companies would not have combined under an agreement but would have worked under the Mining Act, and there would not have been any railway.

Mr May: How do you know?

Mr MENSAROS: Because no company would have built the railway on its own. As a result of combining the companies it was possible to build the railway as a joint effort. Had the member for Clontarf remained in office and had no agreement been made no environmental statement would have been issued, and he would have had to rely on the provisions of a Bill which is not yet an Act.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR HARMAN (Maylands) [5.33 p.m.]: The purpose of this Bill is to enable regulations to be made under the Weights and Measures Act concerning deceptive packaging of certain articles. Of course, the Opposition supports the Bill but at the same time I feel I should comment on why it is necessary to have this sort of legislation.

I think we will all recall our shopping days as young children—or in some cases as younger men—when people shopped because they had certain needs to fulfil. Mainly they were quite primitive needs of food and clothing. As we know, in the last 20 to 30 years the system has changed somewhat in that entrepreneurs and large multi-national companies have been able to manipulate consumers. They have been able to do this in a number of ways, but mainly through the agencies of advertising, sales promotion, market research, and public relations. Only multi-nationals and large entrepreneurs would have available to them the sort of finance required for that purpose.

In doing this they have manipulated the consumer to the extent stated recently by an American who published a paper in 1972 entitled "Economics and Politics: the Consumer Sovereignty". This is what he said—

> In a rich society like ours, only a very tiny part of what people want is determined by their physical and chemical make-up. Almost all their needs and desires are built on observation and imitation.

What that gentleman is saying, of course, is that advertising what the Joneses do and have and what are the current levels of society lays down the guidelines upon which consumers base their shopping. This applies to their shopping in stores, the purchase of motor vehicles, the purchase of television sets, or whatever else. They do not shop according to their physical needs, but according to the way they have been manipulated by entrepreneurs and multi-national companies.

Of course, enlightened consumers have realised what is happening to them, but unfortunately not all consumers are enlightened enough to realise this, nor do

they all attempt to involve themselves in the matter and to understand how they are being manipulated. Consequently there has been a trend in the consumer movement all over the world—and certainly in the private enterprise countries—to have Governments intervene and to limit to some extent this manipulation of consumers.

I can recall introducing a Bill dealing with false advertising of goods when I was the Minister for Labour and Industry back in 1973. On that occasion we were trying to restrict advertising so that multinational companies and large entrepreneurs would not be able as successfully to manipulate the consumers as they were able to in the past. Other moves have occurred in other directions to in some way bring to the attention of consumers the manner in which they are being manipulated; and one of these is in respect of the type of goods being produced. They might have slight variations in appearance nowadays, but I do not think the quality of goods at the moment is anywhere near the quality of such goods 20 or 30 years ago. In effect, therefore, the products being produced today last only for a short time and consequently there is a need for consumers continuously to rebuy. One has only to consider the motor vehicle to appreciate the point I make.

So, in the question of the quality of goods the Australian Government has become quite active in determining the standard of products to be sold on the market. Again, when I was the Minister I recall attending a meeting with the then Minister for Science (Mr Morrison) in Canberra in 1973. That was the inaugural meeting in Australia of State Ministers for Consumer Affairs to discuss the adoption of Australian standards for goods which are purchased in this country. The work that commenced then has continued.

I come finally to the purpose of the Bill before us, which is to enable the Western Australian Act to deal with deceptive packaging. This is another method used to manipulate consumers, and I am sure I need not go to great lengths to explain to members the type of deceptive packaging which has arisen in recent years. However, it is there. We know that these king-sized packages and the various other cartons, most of which are quite decoratively displayed are all designed to deceive.

Now, as a result of movements and pressure by consumer organisations all States of Australia have combined to do something positive in respect of deceptive packaging. I am a little disappointed that the Minister did not provide the House with a model copy of the proposed regulation, because I can recall the member for Darling Range, as he then was, taking me to task when I was Minister about government by regulation. I am not a great believer in government by regulation either, but in some cases I think it is more practicable to have a regulating type of Act, or an Act which allows for regulations to be made, and for those regulations to be made by Governments, through the bureaucracy.

However, I am more in favour of having a committee of parliamentarians, known in some States of Australia as a subordinate legislation committee, to examine the regulations and by-laws which are presented and tabled in Parliament, day after day, week after week and which I believe are not properly scrutinised by members. Such regulations would be examined by a committee of this House.

Mr Thompson: In some cases, they are tabled months after the regulations have become law.

Mr HARMAN: That is correct; I am glad I have support from the member for Kalamunda for my suggestion that the establishment of such a committee receive serious consideration by the Government. As I say, I am disappointed that the Minister has not seen fit to produce the model regulation to which he referred in his speech; I think it would have been of some benefit to members to examine the regulation to see how far the Government intended to go in preventing deceptive packaging.

As I pointed out in the debate on another Bill recently, this Bill contains a power of exemption, and we do not know—nor has the Government indicated—just what sort of exemptions the Government intends to grant. Nonetheless, I agree that it is necessary to include some exemption machinery in an Act. The two points I would like clarified are: What type of model regulation is involved, and what type of exemption does the Government intend to grant in relation to deceptive packaging? I hail this Bill as another great step forward by consumer organisations in convincing Governments that they should take some positive action to prevent the manipulation of consumers which is quite actively carried on today by the entrepreneurs and multi-national companies in our society.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.46 p.m.