while allowing another to do so. For example, if one section were exempted, it could attempt to exploit the situation and at the homes of some persons be not welcome.

The member for Wembley has covered the position very adequately and has rightly pointed out that the format of the legislation has changed slightly. Instead of the emphasis being on protection with regard to credit purchases, it is now extended to protection, for want of a better word, of the householder by allowing him certain periods of the day free of interruption from outsiders. It does not alter the scope of goods covered, but it does alter the format in that it does not now apply only to credit goods, but also to goods on display or those bought by other arrangements.

At this stage I do not intend to cover the amendments proposed by the member for Wembley. He was quite right in asking for a postponement of the Committee stage. It is always regrettable that, when a Bill has been on the notice paper for some months, a particular outside interest suddenly becomes aware of it and makes representations. I hold in my hand a document dated the 7th May—which was yesterday—advising details of certain amendments requested by the Australian Finance Conference. This body became aware of certain provisions in the Bill and considers they are unjust. After examination it was agreed the amendments contained merit and I have handed them to the Clerk for inclusion on the notice paper. In Committee I propose to ask that they be included. At that stage I will also answer the points raised by the member for Wembley with regard to the amendments he has on the notice paper.

I 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.

House adjourned at 11.10 p.m.

Legislative Council

Wednesday, the 9th May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. EDUCATION

Boarding Allowances

The Hon. D. J. WORDSWORTH, to the Leader of the House:

When is it intended that item No. 12 on the notice paper will be dealt with?

Members will appreciate that the motion deals with living-away-from-home allowances. While, previously, *The West Australian* did not give much prominence to the debate on this motion, it has since drawn the attention of the public to what is happening. The motion has been on the notice paper since the 17th April and I consider it should have been given more prompt consideration.

The Hon. J. DOLAN replied:

When I am preparing the notice paper this evening I will give consideration to Mr. Wordsworth's request.

2. PRIVY COUNCIL

Appeals

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) Are the newspaper reports correct which indicate that the State Government intends to be represented in any proceedings brought before the Privy Council to determine questions in relation to the Commonwealth Government's proposed legislation to control the sea bed beyond low-water mark?

(2) How does the State Government reconcile any such decision with its stated policy that the right of appeal to the Privy Council should be abolished?

(3) If the State Government believes it is necessary to invoke the assistance of the Privy Council when its rights have been overridden or disregarded by the Commonwealth Government, does it not believe that similar opportunities of appeal to the Privy Council should be available to private citizens whose rights or interests may be overridden or disregarded by Governments?

The Hon. J. DOLAN replied:

(1) to (3) I am not in a position to be able to answer the question posed. I ask the honourable member to place it on the notice paper. I will procure an answer for him, probably by tomorrow.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [2.27 p.m.]: I move, without notice—

That the House at its rising adjourn until 11.00 a.m. tomorrow (Thursday).

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.28 p.m.]: I do not wish to oppose the motion moved by the Leader of the House

but I wish to counsel him. If he examines today's notice paper he will agree that, in all probability, we will be out of this place by 4 o'clock this afternoon unless something untoward or unexpected holds us up. I may be proved to be quite wrong in this assumption.

The Hon. J. Dolan: We probably will be.

The Hon. A. F. GRIFFITH: If we are out of this place by 4.00 p.m. today the Government will have little or nothing left on the notice paper to go on with. Why are we being brought back at 11.00 a.m. tomorrow? Had we started at 4.30 p.m. today, instead of 2.15 p.m., it would have been a normal Wednesday's sitting, which probably would have continued for a reasonable period after the tea suspension. Last night we finished earlier than I anticipated.

With respect to Mr. Dolan, I do not think there is sufficient work on the notice paper to occasion our coming in at 11.00 a.m. tomorrow.

This is a difficult position for me to be in. I do not want to oppose the will of the Leader of the House but I counsel him not to move this motion until we have finished today's proceedings. Perhaps at 4.00 p.m. —or at a later time if I am wrong in my estimate, which is a pure guess—he will know what business he has for tomorrow. If he feels there is sufficient work to bring us here at 11.00 a.m. instead of 2.30 p.m. on Tuesday, by all means let him do so.

I cannot see the value in the House sitting at 11.00 a.m. tomorrow on the off-chance that we have sufficient work to occupy our time. I counsel the Leader of the House to withdraw his motion until today's proceedings are over.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [2.30 p.m.]: I would direct the attention of the Leader of the Opposition to the request by one of his colleagues that Order of the Day No. 12 be advanced. I hope that we will progress to Order of the Day No. 12 before we adjourn tonight.

The Hon. A. F. Griffith: You had your motion for the special adjournment ready long before Mr. Wordsworth asked the question.

The Hon. J. DOLAN: I did not. When the Leader of the Opposition raised this matter, I referred to what was likely to happen. Order of the Day No. 11 has been on the notice paper for a long time. I intend at least to carry on with every item up to Order of the Day No. 10.

The Hon. A. F. Griffith: Would it not be wise to wait until this evening to move your motion?

The Hon. J. DOLAN: In view of the remarks of the Leader of the Opposition, I do not mind waiting. If it suits the Opposition, I will withdraw my motion until a later stage of the sitting.

Motion, by leave, withdrawn.

BILLS (5): RECEIPT AND FIRST READING

1. Legal Contribution Trust Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

2. Weights and Measures Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. R. Thompson (Minister for Community Welfare), read a first time.

3. Sale of Land Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

4. City of Perth Endowment Lands Bill.

   Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

5. Pre-School Education Bill.

   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

TRAFFIC ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

BILLS (3): THIRD READING

1. Distressed Persons Relief Trust Bill.

   Bill read a third time, on motion by The Hon. R. Thompson (Minister for Community Welfare), and passed.

2. Resumption Variation (Boulder-Kambalda Road) Bill.

   Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

3. Local Government Act Amendment Bill (No. 2).

   Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and transmitted to the Assembly.

FIREARMS BILL

Further Report

Further report of Committee adopted.

EDUCATION ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 9B amended—

The Hon. R. J. L. WILLIAMS: I do not think it will come as a surprise to the Committee that I rise to speak to clause 3. I foreshadowed in my second reading speech that if the Government could not find some equitable or satisfactory solution, I would move an amendment in Committee. I regret that time was short and I did not have the chance to listen to the Minister's presentation, but he did make available to me a copy of his reply. I thank him for holding up the Committee stage of the Bill until such time as I was able to be here.

I ask that this Government in good faith give a guarantee to the independent schools for a period of five years from the inception of the scheme, in order that they may budget properly. It appears that no-one in this State is able to arrive at a mathematical formula which is satisfactory and uncomplicated to be incorporated in the Bill. I accept that, because when we get into complex algebraical fractions it is difficult for those who are poor at mathematics to follow an extremely complicated formula.

In the spirit of the Bill itself it would not hurt the Government one little bit to give such a guarantee. Consequently I have had to look below the surface for the reasons why the Government would not give this guarantee. The reasons lie behind the overwhelming central object—the Commonwealth Government. I warn the Committee and the independent schools of this State that this is duplicity, because in the words of the Minister who prepared the text—and not the Minister who delivered it—the Government will wait for a change in what the commission recommends.

It will allocate funds to the independent schools according to need. Let the independent schools take note of this warning: "according to need" will mean that some schools will get nothing at all. The *per capita* basis took something like 12 years to work out to ensure, as the Minister indicated in his reply to the second reading, that education is for all the children of Australia. I have no quarrel with that statement of the Minister.

To say that Western Australia cannot go it alone in education is no understatement, but it would not have hurt this Government to say it was prepared to guarantee that over the next five years from the inception of the scheme no independent school would suffer, and that they would receive no less than was guaranteed in the Bill.

It is appreciated that if an independent school cannot rise to the national average, it will ride on the State average. When the State Government changes next year or next month my party will certainly guarantee to the independent schools this basis for the next five years.

The Hon. J. Dolan: You are using a lot of supposition.

The Hon. R. J. L. WILLIAMS: It may appear to be a supposition, but cometh the dawn and we all get a surprise. I am not making a supposition when I say I foreshadowed in my second reading speech that we wanted the Minister to give a guarantee to the independent schools, in writing—not through lip service, or something which is not covered by some authority.

It is all very well for the Government to say that it is prepared to make an allocation, but the Government should sign a document under which the independent schools could be given some guarantee. The Government should not adopt the basis of making allocations to independent schools according to need. If the Minister is genuine that education is for all the children in Australia he should be prepared to make allocations on a *per capita* basis.

The question of equipment and capital grants has been attended to, but the Minister who prepared the second reading speech had this to say—

> An added difficulty in calculating school entitlements lies in the fact that many non-Government schools contain both primary and secondary students who are assessed at different rates.

It was ever thus. The position has not altered, and the non-Government schools have not suddenly taken primary or secondary students into their allowance. To continue—

> This factor, plus the combination of *per capita* and school assistance already being received, which has to be deducted, makes a formula almost unworkable.

I do not think heads got together too well in arriving at the formula. I shall not get myself into a mathematical mess in trying to compute a formula which would be acceptable to all parties.

I merely wish to ensure that the Government signs an agreement to the effect that for the five years from the date of this scheme the independent schools will receive no less *per capita* than they are now receiving. The Government might say that I am making a fuss about nothing, but in point of fact I like to see these promises signed, sealed, and delivered, because the schools are dependent on them for their planning. Perhaps it is not the forte of the present Government to plan for the future.

The Hon. R. F. Claughton: It would not be the forte of your party.

The Hon. R. J. L. WILLIAMS: I do not know how the honourable member has arrived at that conclusion. I am not talking about my party, but about the schools. I say they have to be able to plan ahead. It is reasonable to assume that if we take in a six-year-old pupil in the primary school we will find that he is an 11-year-old in five years' time, and we can compute or calculate what is required. The sum involved will be a niggardly amount, but it is something which we can afford. It is something which the Government should guarantee in writing.

The Hon. R. F. Claughton: Are the independent schools upset by the present situation?

The Hon. R. J. L. WILLIAMS: I do not know whether or not they are upset, but they will be next year when they are told, "You received enough last year. We have in this area a school which needs the money more than you do, and we are chopping you out."

The Hon. A. F. Griffith: More particularly, one school may be upset.

The Hon. R. J. L. WILLIAMS: That is correct. By writing into the Act the provision that allocation will be made according to need, a school could be chopped out willy-nilly.

I consider we will be the Government next year but we want this provision included before then.

The Hon. D. K. Dans: Can the honourable member honour the promise he gave a few minutes ago?

The Hon. R. J. L. WILLIAMS: I cannot promise that it will be done, but I will press for it. I feel sure my party would honour my promise, because that is its policy.

The Hon. A. F. Griffith: I can hear the echoes of the words used by the present Leader of the House when he sat over here.

The Hon. J. Dolan: He cannot commit the next Government.

The Hon. A. F. Griffith: Of course he cannot.

The Hon. J. Dolan: But he did commit the Government.

The Hon. R. J. L. WILLIAMS: I am not in a position to commit the Government.

The Hon. A. F. Griffith: Did the honourable member hear the comment passed concerning him?

The Hon. R. J. L. WILLIAMS: No.

The Hon. A. F. Griffith: It was to the effect that you were a poor fellow.

The Hon. R. J. L. WILLIAMS: I agree; I am extremely poverty stricken and my account is open for inspection! Returning to the clause, I move an amendment—

Page 2, line 4—Delete paragraph (a) and substitute the following paragraph—

(a) as to subsection (1)

(i) by substituting for the word "The" in line one, the words "Subject to subsection (2a) of this section the";

(ii) by substituting for the passage "subsection (2) of this section", in line seven, the words "regulations made by him under this Act".

The Hon. J. DOLAN: I feel I should use the words often used by Mr. Clive Griffiths —I am "amazed" and "astounded".

The Hon. R. J. L. Williams: The Minister must be amazed and astounded because the amendment is new to him.

The Hon. J. DOLAN: The honourable member anticipated that the Opposition would be in Government next year, and he said that if the present Government would not take some action he would give a guarantee that the new Government would do so next year.

The Hon. R. J. L. Williams: I do not think I said "guarantee".

The Hon. J. DOLAN: We will not quibble about a word. However, the honourable member intimated that a Liberal Government would take this action. The proposed amendment runs completely counter to the explanation which I gave yesterday and which satisfied the former Minister for Education. The former Minister was quite happy and said that after a conversation with the Director-General of Education he would be completely against implementing anything of this nature. Therefore, it is a verbal exercise.

The people most vitally concerned are those in the Parents and Friends' Association. They are the spokesmen for all the private schools they represent. They have made public statements, and one appeared in *The West Australian* only this week. Mr. Williams now wants to be their spokesman and implies that although the people concerned are perfectly happy the amendment will be insisted on. I oppose the amendment in its entirety.

The Hon. F. R. WHITE: I feel the Committee has not had an adequate opportunity to study the proposals put forward by Mr. Williams. I have already picked up what I feel is an error in the initial amendment. I believe, in fairness to members, that progress should be reported, or the matter should be postponed until members have studied the import of the proposed amendment.

The CHAIRMAN: The question is that the paragraph to be deleted be deleted.

The Hon. A. F. GRIFFITH: Surely the Minister will react in some way! An honourable member has suggested that he has not had time to consider the amendment. It is hardly my place to rise but I think the Minister should react.

The Hon. J. DOLAN: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 4 put and passed.

Clause 5: Section 37A repealed and re-enacted—

The Hon. F. R. WHITE: When I spoke during the second reading debate I drew attention to my proposed amendments. The Minister indicated, at that time, that they were acceptable. I therefore move an amendment—

Page 2, line 33—Delete the words "as prescribed" and substitute the words "in the form prescribed by the regulations".

The Hon. J. DOLAN: Although I informed Mr. White that the Minister for Education had no objection to this amendment, it seems to be a rather futile exercise. In section 4 of the Interpretation Act, "prescribed" is defined as follows—

"Prescribed" means prescribed by the Act wherein the term is used, or by a regulation, rule, or by-law named thereunder:

The proposed amendment merely restricts its implementation by the details or the proposals contained in the proposed new section 37A. The amendments are of no consequence in this legislation, but the Minister for Education is not disposed to oppose them.

The Hon. W. F. WILLESEE: I draw the attention of the Committee to the fact that the definition of the word "prescribed" in the Interpretation Act has four declensions. The word has not been idly written into the Interpretation Act, which is intended to serve as the basis for the interpretation of words in Statute law. Therefore, if we seek to make definitive, short-term statements as against the definition in the Interpretation Act, we find we cannot use any of those terms with each other, but when the word "prescribed" is used in a variety of Acts it can mean one of four things. If we break away from this practice, we will only be writing into the Bill what can be done by regulation, because it cannot be done in any other way.

If we delete the word "prescribed" from Acts, we will have to say "by rule", "by by-law", or something else. The Local Government Act has by-laws and the Traffic Act has regulations. The word "prescribed" allows us freedom within the four declensions contained in the Interpretation Act. If we depart from the Interpretation Act we break away from the principle of Statute law, upon which common law was built.

I do not want to be finnicky about this matter but I think we are deviating from a principle. It could possibly be said that similar wording to that contained in the amendment was written into the Act previously, but two wrongs do not make a right. A mistake may have been made in the Act. The matter has been picked up by the Parliamentary Draftsman and he has now used the correct word. The acceptance of the amendment would not affect the legislation one iota but it would mean deviating from the principle upon which our law has been built. I oppose the amendment.

The Hon. G. C. MacKINNON: I would like to add my advice to that of Mr. Willesee. We have an Interpretation Act which is designed for a specific purpose; that is, to enable us to know the meaning of words.

In effect, Mr. White proposes to change the provision so that it will read "as prescribed by the Act wherein the term is used, or by a regulation, rule or by-law made thereunder, or by the regulations". In other words, he doubles up, as Mr. Willesee said. If we accept Mr. White's amendment, we should repeal the Interpretation Act, and every time the words "Gazette", "Governor", "His Majesty", "month", "oath", "land", "Parliament", "proclamation", "prescribed", "sitting days", and so on are used in legislation we will have to write in the interpretation we desire for the particular measure. That would be a great pity.

I add the weight of whatever influence I might have to that of Mr. Willesee and suggest, now it has been pointed out to Mr. White that he is literally repeating the word "prescribed" by putting in the meaning of the word, he might see fit to withdraw his amendment.

The Hon. F. R. WHITE: I appreciate the point of view expressed by Mr. Willesee and Mr. MacKinnon, which would be quite acceptable if the Government had at any time indicated whether the agreement was to be prescribed in the Act, or in the form of a schedule, by regulation, by rule, or by by-law. Admittedly, the definition of the word "prescribed" in the Interpretation Act covers four areas wherein the particular agreement mentioned here could be prescribed, but we have had no indication how this agreement will be prescribed, although it is a fairly safe assumption that it will be by regulation. If so, the Leader of the House should say so in order that there will be at least a record of it.

The existing Act, which came into effect in 1928—a number of years after the Interpretation Act—included the words "where an agreement in the form prescribed by the regulations is entered into". That has been acceptable since 1928 and nobody has objected to it. No Government has at any time tried to delete the words after "prescribed". Obviously it is of no major account whether it reads "prescribed" or "prescribed by the regulations", except that it would let members and the public know where the agreement is to be prescribed. I propose that it should be indicated that the agreement will be prescribed by regulations, if that is the intention of the Government. If that is not the intention of the Government, let the Government now state where and how the agreement will be prescribed.

The Hon. W. F. WILLESEE: This is the basis of the argument. The Government of any particular day does not have to do anything other than use the word "prescribed". It has autonomy as to whether a matter will be prescribed by regulation or in some other way. If the expression "prescribed by regulation" is used, the definition of "prescribed" in the Interpretation Act would have no value and we would have to do what Mr. MacKinnon suggested; that is, define "prescribed" in every Act.

I prefaced my previous remarks by saying two wrongs do not make a right. I think a wrong was made in 1928.

The Hon. G. C. MacKinnon: You are right.

The Hon. W. F. WILLESEE: But it went through, and the Parliamentary Draftsman has now picked it up and chosen a more substantive word. I believe we would be making a mistake by accepting the amendment.

Amendment put and negatived.

Clause put and passed.

Progress

The Hon. J. DOLAN: I move—

That the Chairman do now report progress and ask leave to sit again.

The Hon. A. F. GRIFFITH: Does the word "again" mean again later this afternoon, or tomorrow?

The Hon. J. Dolan: Tomorrow.

The CHAIRMAN: It means tomorrow or this afternoon, as the Leader of the House decides.

Motion put and passed.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.12 p.m.]: I move—

That the Bill be now read a second time.

The Public Service Board has arranged, under the provisions of its Act, for the abolition of the office of Chief Planner and the appointment of a Deputy Town Planning Commissioner in his place.

Since the principal Act was passed in 1928 the responsibilities of the Town Planning Commissioner have necessarily greatly increased. With the growing need for closer liaison between the State and the Commonwealth in the field of urban and regional development, he is frequently required to be absent from Perth. This Bill ensures that the work of the department can proceed unhindered, by giving his deputy all the powers necessary to enable him to act on the commissioner's behalf.

Opportunity is also taken to tidy up statutory procedures in the matter of the appointment of the commissioner. While the parent Act provides for appointment as an officer of the Crown for a term not exceeding five years and with eligibility for re-appointment at the expiration of his term, the Town Planning Commissioner since about 1953 has been appointed to his post on a permanent basis under and subject to the Public Service Act, 1904; this is so notwithstanding the reference to a term of five years in section 3 of the Town Planning and Development Act, 1928-1972. Mr. Shaddick, Public Service Commissioner, has advised that the appointment of the present Town Planning Commissioner was a dual one under both the cited Acts.

The Town Planning Commissioner was so advised by Parliamentary Counsel on the 9th January, 1973. This advice was forthcoming in response to a request made to counsel as to what necessary or desirable amendments should be made to the Act consequent upon the creation of a post of Deputy Town Planning Commissioner under and subject to the Public Service Act, 1904. Consequent upon this advice and the supporting amendments which were accepted by Cabinet, this Bill was authorised to be drafted.

I explain these aspects in some particular detail for the reason that a considerable period of time was devoted in another place to elucidating the matter.

The reason for the proposed amendment is indeed quite readily comprehended when we recollect that the appointment of the Town Planning Commissioner has for some considerable number of years been made under the Public Service Act and the requirement to appoint him also under the Town Planning and Development Act every five years is in a sense superfluous. I suggest that it appears to be quite obvious that this move is made on the advice of the Crown Law Department which considers the present procedure unnecessary

and that because the Act is being otherwise reviewed the amendment should now be made. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. Clive Griffiths.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [3.15 p.m.]: I move—

> That the Bill be now read a second time.

Legislation in South Australia providing for long service leave of 13 weeks after ten years' continuous service was assented to on the 23rd November, 1972. This development has particular relevance in the Government's plan to legislate for long service leave entitlements for all workers in Western Australia because it supports its decision to equalise qualifying entitlements between State Government wages employees and wage and salary earners in private industry.

It is interesting to note that opposition to the passage of the amending Bill in the South Australian Parliament was on the grounds of public interest. The argument of the Opposition was that, competitively, South Australia would be placed at a serious disadvantage *vis-a-vis* the Eastern States in the important task of attracting new industries. In addition, the cost imposition on established local industries would be prohibitive. In these circumstances it was mooted that South Australia should wait until a new standard was introduced in those States before adopting similar reforms. Apparently the people of South Australia were not very impressed with the warnings given by the Opposition, and on the 10th March, 1973, they returned the Government to power, providing it with a mandate to introduce a scheme for long service leave benefits for casual and building workers, based on the aggregation of their service in industry.

In a period during which there is an obvious and widespread trend towards extra leisure time for wage and salary earners, regardless of the form it may take, any new development improving an existing standard and given reasonably wide application will activate a natural inclination in others to insist that similar benefits be extended to them. Once started the demand will grow and be irreversible.

Whereas, traditionally, the pace-setter in matters of long service leave was the New South Wales Labor Government, whose legislation providing minimum long service leave conditions for all workers was the forerunner of the Commonwealth-wide standard of 13 weeks' leave after 20 years' continuous service introduced in 1957 and the current standard of 13 weeks' after 15 years in 1964, South Australia now has that role by producing an entitlement which is certain to be taken up by all States. This prediction is all the more likely now that the Commonwealth Government has stated its intention to introduce long service leave entitlement after 10 years for its employees, operative from the 1st January, 1973.

As far as this Government is concerned, all the signs point to the inevitable reduction in qualifying periods throughout Australia and action should therefore be taken without delay to extend these improved benefits to Western Australian workers in general. Whilst in the past the practice has been for the unions to await an announcement by the Commonwealth Conciliation and Arbitration Commission before application is made for new standards to be given effect in local awards, the Government sees no compelling reason in this practice against the extension of the current Act to provide for these new entitlements.

Nor are there compelling reasons for withholding the improvements on the grounds of economics. Past experience has shown that whenever new standards are proposed, prohibitive costs form the mainstay of the opposing arguments. Needless to say the calamitous predictions never come to pass. What matters, in the final analysis, is the community's preparedness to accept the level of costs involved in exchange for the benefits arising from a shorter qualifying period.

The proposals being put forward in clauses 3 and 4 of this Bill are fundamental to the plan to extend long service leave entitlements to all workers. In clause 3 the reference to employees whose employment is not regulated by the Industrial Arbitration Act is to be deleted from the long title of the Act; and in clause 4 it is proposed that the interpretations section of the Act be amended so as to delete subparagraph (iii) of paragraph (c) which excludes a person while employed under an award or industrial agreement. Clause 4 also proposes a new subparagraph (v) to paragraph (b) so as to include as employees certain persons engaged under contracts for service.

Currently, under section 5, the board of reference is empowered to exempt an employer from the operation of the Act where it is satisfied that, in respect of his employees, there is a long service leave scheme conferring more favourable benefits than prescribed in the Act. Moreover, to ensure that the schedule remains more favourable the board is empowered to vary or revoke any conditions imposed by it.

Clause 5 proposes that section 5 of the Act be repealed and re-enacted so as to maintain the board's general powers in this regard, but to specify existing or proposed awards and industrial agreements as

instruments that may confer benefits not less favourable than provided for in the Act, and to specify by whom application for exemption may be made.

Clause 6 proposes amendments to section 6 of the Act in respect of service deemed to be continuous. The proposal follows closely the continuous service provisions put forward in the current Sick Leave Bill and provides in paragraph (a) (iv) for "any period not exceeding six months or such longer time as the board of reference may determine in a particular case, for which the employee is entitled to receive weekly payments for total incapacity under the Workers' Compensation Act" to be counted as service.

In this matter, the Government has received a submission from the Law Society of Western Australia. The society argues that a person injured in the course of his employment should not suffer loss of entitlement, or be forced to make up time before qualifying for entitlement. The Government agrees with the submission.

A further proposal in clause 6 provides that the terms "calendar year", "sick leave", and "sick pay" have the same meanings as they have in and for the purpose of the Sick Leave Bill. This arises from the desire to achieve uniformity between various pieces of industrial legislation.

Clause 7 puts forward proposals to fix dates deemed commencing dates under the Act for new categories of employees. These provisions are necessitated by the proposed extension of the Act to all employees.

Clause 8 proposes the repeal and re-enactment of section 8 of the Act which deals with entitlements. Ordinary and pro-rata entitlements are set out in the proposed new subsections (2) and (3) for employees not previously entitled to leave under this Act, and employees who have previously become entitled to leave under this Act, respectively.

The separate references—necessitated by the extension of the Act to all employees—continues into proposed subsection (4) which deals with the basis of calculating aggregate amounts of long service leave credits.

Proposed subsection (5) sets out the method of calculating aggregate credits for employees whose long service leave entitlement arose from an award, industrial agreement, or scheme. Clause 9 is a consequential amendment to clause 8.

Clauses 10 and 11 propose amendments to the Act in respect of appeals against a determination of the board of reference and how appeals are to be made, heard, and determined. These measures follow similar ones proposed in the Sick Leave Bill.

I commend the Bill to the House.

Debate adjourned for one week, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

EVAPORITES (LAKE MacLEOD) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th May.

THE HON. S. J. DELLAR (Lower North) [3.27 p.m.]: The Bill before us seeks to amend the Evaporites (Lake MacLeod) Agreement Act, 1967, and to ratify a new agreement.

The purpose of the original agreement was to provide ways and means by which Texada Mines Pty Ltd could establish at Lake MacLeod—which is approximately 40 miles north of Carnarvon—an industry for the extraction of evaporites and other products from the lake bed.

A lot has been said about this matter and, not being an industrial chemist, I do not wish to go into the chemical side of the debate to any great extent.

When we consider the history of this venture we find that it goes back to 1965 when originally the company started investigating the possibility of utilising the lake bed for the extraction of evaporites, etc., and this brings us to the point when the original agreement was signed in 1967, and ratified by Parliament on the 5th October of that year.

When introducing the Bill into Parliament in another place the Minister for Industrial Development at the time said on page 579 of *Hansard* No. 5 of the 24th August, 1967—

> The agreement has some special features which will be of interest to members, quite apart from the fact that it gives us the possibility of bringing into production an area which was previously thought to be of no economic value. The agreement contemplates the establishment of a potash industry based on the evaporite deposits at Lake MacLeod, north of Carnarvon.

Further, on page 580, the Minister continues—

> I want to stress that the Bill is to ratify an agreement which contemplates, rather than provides for, the establishment of a potash industry, because the company still has to carry out considerable research to prove, beyond doubt, that the Lake MacLeod brines will yield potash as a commercially viable operation.

It has been said the original agreement provided only for the establishment of a potash industry. I do not entirely agree with this view. A little further, on page

581, in his introductory remarks the Minister suggested the possibility of royalties on potash and salt and said—

> A royalty of 50c per ton on potash is provided. There is also a royalty payable on salt, although at this stage the company has no immediate intention of marketing this product, even though it is estimated that approximately 3,000,000 tons per annum will be available as a by-product from the production of 200,000 tons per annum of potash. This salt would need some further treatment to be suitable for export.

On page 582, the Minister said—

> I am hopeful that out of this agreement Carnarvon will obtain a new industry . . .

He then indicated that feasibility studies would have to be carried out and continued—

> If all goes well, development of the commercial plant and export facilities could commence early in 1969.

The Hon. A. F. Griffith: You do not find any of these statements to be incorrect?

The Hon. S. J. DELLAR: No. I am pointing out that the establishment of the industry at Carnarvon required a great deal of research and development to ascertain whether the product originally discussed could be produced.

On the first page of the schedule to the 1967 Bill is the following—

> WHEREAS the parties hereto enter into this Agreement with the object of establishing and carrying on in the vicinity of Carnarvon works for the mining of potash and other evaporites and such other allied mining and ancillary industries as may conveniently be carried on in conjunction therewith and such other industries as may be approved by the Minister and doing all acts matters and things to attain and to facilitate the abovementioned objects.

Clause 8(2)(c) of the agreement reads—

> (2) After the commencement date the State shall:
>
> (c) unless the parties agree otherwise in connection with a contribution of funds by the State for construction of the wharf or unless the wharf is located at the existing jetty at Carnarvon ensure that all ships requiring the berth at the wharf for the purpose of loading potash common salt and other evaporites produced from the mining areas shall be entitled at all times to the use of the wharf in priority to all other ships;

It will be noticed that again common salt is mentioned as well as other evaporites. In clause 9 (2) (e) the agreement deals with the royalties payable for potash and common salts.

Paragraph (g) of the same clause states, amongst other things, that the Minister for Mines may inspect the books and so on to determine the revenue payable in respect of potash, common salt, and other evaporites shipped or sold hereunder. Then paragraph (h) reads—

> (h) use its best endeavours to obtain for the potash common salt and other evaporites the best price possible having regard to market conditions from time to time prevailing.

On page 27 of the Bill, paragraph (b), dealing with road transport, reads—

> (b) that it shall be lawful for the Company to use for the carriage of potash common salt and other evaporites on any Company road or any specified public road as approved by the Minister for Traffic between any part of the mining areas stockpile area and the wharf an articulated vehicle and trailer the combined length of which shall not exceed ninety-five (95) feet;

The Hon. A. F. Griffith: I take it that by reading these quotes you are establishing that the original agreement had the intention to produce potash, salt, and other things?

The Hon. S. J. DELLAR: Yes.

The Hon. A. F. Griffith: I thought you were.

The Hon. S. J. DELLAR: What I am getting at is that it has been said that the spirit of the agreement concerned the production of potash.

The Hon. A. F. Griffith: There is no doubt about that.

The Hon. S. J. DELLAR: That is not the way I read the agreement.

The Hon. A. F. Griffith: I let the first temporary reserve and interviewed the people involved and I know the intention.

The Hon. S. J. DELLAR: That was in 1965.

The Hon. A. F. Griffith: Yes; and I know their intention.

The Hon. S. J. DELLAR: Clause 10 (f), dealing with export licenses, states—

> (f) that if at any time or times under Commonwealth law an export license is required by the Company for the export of any potash common salt or other evaporites then on written request by the Company the State shall make

> representation to the Commonwealth for the grant to the Company of a license or licenses under Commonwealth law for such export in such quantities and at such rate or rates as shall be reasonable.

This stipulates that the State is under an obligation to obtain the necessary export license for the company for the export of not only potash, but also salt and other evaporites.

To return to the speech of the Minister of the day, the following is to be found on page 582 of *Hansard* of the 24th August, 1967—

> I am hopeful that out of this agreement Carnarvon will obtain a new industry . . .

The Hon. A. F. Griffith: Of course he was hopeful.

The Hon. W. R. Withers: For potash.

The Hon. S. J. DELLAR: If ever Carnarvon needed anything, it was the establishment of an industry which would take the reliance away from the traditional pastoral production, supplemented by primary production on the banks of the river. Up until about 1958 the town relied mainly on those two industries for its existence. Then came the space age with the establishment of the N.A.S.A. tracking station, and the O.T.C. establishment at Brown Range. This of course changed the whole complex of the situation at Carnarvon.

Additional people were brought to and employed in Carnarvon, and it is unfortunate that this activity will be scaled down so that possibly by the end of 1974 it will no longer exist to the extent it does at present.

The Hon. W. R. Withers: Will the scaling down reduce employment?

The Hon. S. J. DELLAR: It will to a certain extent. Most of the staff of the tracking station are not local residents of Carnarvon. Maybe 20 or 30 were drawn from the local population, but the others were imported from the Eastern States. The technicians and others with the necessary qualifications were not available here. Consequently the scaling down of the operations will create some problems because it will reduce the employment by retailers, wholesalers, and manufacturers in the area as they will not have the same population to serve.

I agree that one of the provisions in the Bill before us is designed to amend the definition of "potash". The company undertook investigations to determine the best way to utilise the evaporites or deposits in the salt from the lake and problems were encountered. Therefore the Government has agreed to vary the definition of "potash" to provide for the production by Texada Mines of a substance known as langbeinite, which is a form of potash and includes a fair percentage of potassium.

Of course, additional employment will be provided in Carnarvon and the surrounding districts. In all probability a light engineering works will be established in the town as there will be an outlet for some of those products. Since the works are to be located 40 miles from Carnarvon bus operators will be required. Generally speaking the establishment of the industry should provide the stimulus required to put Carnarvon on its feet and allow it to expand further than it has with the establishment of the tracking station.

The Hon. W. R. Withers: Would the stimulus disappear if no market for langbeinite could be found?

The Hon. S. J. DELLAR: Certainly, but the effect on Carnarvon will be far more drastic if the company is not permitted to produce langbeinite and cannot continue with the production of potash, as originally defined under the agreement, because it finds it can go no further. If we say that the company must produce potash or nothing at all that will be the end of Carnarvon as far as any future development is concerned, at least for the time being.

As I have said, the establishment of this industry will benefit Carnarvon—and naturally Western Australia—by the payment of royalties under the agreement.

I can understand Mr. McNeill's disappointment that the product, as originally defined, will not be produced. Primary producers in Western Australia may possibly be disappointed because they might have been looking forward to the day when potash would be produced locally for use in the agricultural industry.

The Hon. A. F. Griffith: Perhaps you can understand Mr. McNeill's disappointment seeing that no explanation has been given as to any possible markets for langbeinite.

The Hon. S. J. DELLAR: That is beyond the scope of my knowledge.

The Hon. A. F. Griffith: You are the member for the district and you ought to make it your business to find out from your own Government so that you can tell your people.

The Hon. S. J. DELLAR: Mr. Withers made some comments on the measure and said that the purpose of the original agreement, was to provide potash and not salt. Under the original agreement, potash as well as salt and other evaporites were to be provided. Mr. Withers went on to say that approval was given to sell a little salt to enable a cash flow so that the company could carry on further investigations.

My research indicates that, in 1968, the company was given approval to export up to 1,000,000 tons of common salt. In September, 1969, it was given approval to

export an additional 400,000 tons of common salt per year. In May, 1970, approval was given for another additional 400,000 tons of common salt per year. Later approval was given for the export of a further amount and, by 1972-73, the company was permitted to export 1,850,000 tons of common salt per year. This was in additon to the requirement that it continue studies to try to establish a potash plant. This is not desirable because of the side effects. The by-product, common salt, would be so great, in terms of tonnage, that naturally other salt producers would regard the position with a certain amount of awe. They would wonder what was happening to the salt market when one company could produce something like 12,000,000 tons of salt as a by-product. Even now the company has approval to sell approximately 2,000,000 tons of common salt per year.

The Hon. W. R. Withers: This is what is frightening. When I used the word "little" did you realise it was only a relative adjective?

The Hon. S. J. DELLAR. Mr. Withers is at liberty to use the adjective in any way he likes.

The Hon. W. R. Withers: Do you realise that the company will be producing up to 5,000,000 tons a year which will be stockpiled?

The Hon. S. J. DELLAR: In 1972-73, by reason of the approvals given over the years, the company is now permitted to export 2,050,000 tons a year. I do not consider that to be a small amount.

The Hon. W. R. Withers: The company will be stockpiling more than that.

Sitting suspended from 3.45 to 4.04 p.m.

The Hon. S. J. DELLAR: Prior to the afternoon tea suspension, I was referring to the amount of salt Texada had approval to export in any year, and relating these figures to Mr. Withers' statement that the company was given approval to export a small quantity. It is interesting to note that the agreements signed by the previous Government for the production of salt in Western Australia, which included Texada Salt, Dampier Salt, Leslie Salt, and salt produced by the salt works at Lake Lefroy and Shark Bay, provided for a total export of 10,000,000 tons a year. In addition to this, another agreement was signed in relation to proposed salt works to be based on the eastern shores of the Exmouth Gulf. This agreement provided for the company to export up to 2,500,000 tons of salt a year.

So the total agreements in force today provide for the export of 12,500,000 tons of salt from Western Australian per annum.

It was suggested in previous debates that the main markets for the salt would be Japan initially, and possibly some eastern ports of America. When we consider that the previous Government signed agreements permitting these companies to export up to 12,500,000 tons of salt, that the total requirements of Japan for some years to come will be in the vicinity of 7,000,000 tons a year, and that Western Australia will be competing for these markets with other countries such as Peru, I cannot see how the Minister of the day could have given approval for these companies to produce this amount of salt. The possibility of obtaining markets for the full production were very limited. Of course, we are now faced with the problem that people are asking questions about possible markets for langbeinite, which is another matter.

The Hon. W. R. Withers: You are speaking against the amending legislation.

The Hon. S. J. DELLAR: Another section of the measure deals with the restrictions which are to be placed on the export of salt by Texada for the five-year period commencing in March, 1973, limiting the company to the export of 1,750,000 tons per annum compared with the present approval for 2,500,000 tons.

The Hon. W. R. Withers: But unlimited after 1975, if you read the provision.

The Hon. S. J. DELLAR: Subject to the Minister of the day.

The Hon. W. R. Withers: Where does it say that?

The Hon. S. J. DELLAR: Mr. Withers went on to say that the people of Carnarvon had been sold a pup, and a mongrel pup at that. They may have a future in the area or they may not. At the inception of this project, Texada went to Carnarvon to investigate the possibility of establishing an industry there. The idea was received with open arms, and the company decided to go ahead. It investigated the atmospheric and climatic problems which could be associated with such a project. I do not believe the establisment of an industry, which will cost about $20,000,000, a good half of which has already been expended, would lead the people of Carnarvon to wonder whether they had been given a Queensland blue heeler or a purebred Alsatian. The Minister of the day explained that, as part of the agreement, the industry would be established—

The Hon. W. R. Withers: Mainly for the production of potash.

The Hon. S. J. DELLAR: —to produce potash and other evaporites. The industry was established, and had the company not been able to continue its production of the by-product and sell some of the salt—which will be restricted by this amending legislation now before the House —Carnarvon would have had nothing. Where would the State be in regard to royalties?

Mr. Withers then made some very uncomplimentary remarks about the present Minister for Development and Decentralisation.

The Hon. W. R. Withers: Only in reference to this Bill.

The Hon. S. J. DELLAR: Mr. Withers said the Minister was bluffed into signing the agreement, and he allowed the company to borrow $6,000,000 for a project which may or may not get off the ground. Surely he does not believe that a world-wide company would spend something like $20,000,000 to produce a product which may not have a market.

The Hon. W. R. Withers: Why cannot markets be proven by the Minister?

The Hon. S. J. DELLAR: Mr. Withers said the Minister ignored the agreement signed by the previous Government. I do not believe he ignored it at all. He attempted to establish something out of the wreckage of the previous agreement.

The Hon. W. R. Withers: Rubbish!

The Hon. S. J. DELLAR: Mr. Withers said that the Minister had made a terrible blunder—

The Hon. A. F. Griffith: Up to that point you had not made a bad speech.

The Hon. J. Dolan: Keep going, you are doing a good job.

The Hon. F. R. White: Has the company produced any muriate of potash up to this time?

The Hon. S. J. DELLAR: No.

The Hon. F. R. White: Has it attempted to extract the potash from the evaporated salt?

The Hon. S. J. DELLAR: Chemical tests were conducted; possibilities were investigated, and it was found it was not feasible to produce potash of the type provided for in the original agreement. If the company could not comply with the original agreement it was left with the alternative of closing down and not producing anything.

The Hon. W. R. Withers: This is a desperation measure then. They will produce something for which they do not have proven markets. Is that what you mean?

The Hon. J. Dolan: Why don't you wait and listen?

The Hon. S. J. DELLAR: Therefore, it was up to the Government to attempt to vary the provisions of the original agreement and then permit the company to establish an industry to provide employment in an area where employment is required. The legislation restricts the amount of salt which the company may produce, whereas under the original agreement, the company could go on producing willy-nilly. No wonder the other companies were worried; they had cause to worry. Why talk about an industry set up to supply potash when the agreement is full of terms such as "common salt" and "other evaporites"?

The Hon. W. R. Withers: Have you studied page 37 of the original agreement?

The Hon. S. J. DELLAR: The company was given approval to export up to 2,050,000 tons a year. It is known that markets are limited. In fact, if Western Australia produces all the salt provided for in the existing agreements, it could not sell it all because world markets do not call for it. Using the original method of extracting potash as defined in the Act, the by-product salt could be stockpiled up to 10,000,000 tons per year. Surely the other companies would be worried if a company in Carnarvon was stockpiling salt at the rate of 10,000,000 tons a year.

The Hon. W. R. Withers: Texada knew this—it signed an agreement. It knew what it was doing.

The Hon. R. F. Claughton: Do you mean they do not know what they are doing this time?

The Hon. S. J. DELLAR: If the company stockpiles 10,000,000 tons per year, at the end of the first 10-year period, it will have amassed 100,000,000 tons of salt in Carnarvon, whether it be in the form of raising a lake bed and crystallising ponds or treating the salt as is being done at present. As Mr. Withers knows, salt must be washed for export, and treated in some way to meet the requirements of the overseas markets. If it decided to build up a lake bed, Carnarvon could possibly be the skiing wonderland of Australia with a mountain of 100,000,000 tons of salt. I do not know whether or not one can ski on salt, but I am sure someone would devise a method for doing so.

The Hon. A. F. Griffith: I do not know whether you can ski on salt, but you can skate on thin ice.

The Hon. S. J. DELLAR: It is a little hot in Carnarvon to produce ice, but the company can evaporate salt. It can produce a great deal of salt.

The Hon. W. R. Withers: Have you seen page 37 of the original agreement?

The Hon. D. K. Dans: Would not Mr. Withers agree that the last Government signed an agreement to produce a product which could not be produced—potash!

The Hon. A. F. Griffith: Oh, cut that out.

The PRESIDENT: Order!

The Hon. S. J. DELLAR: If we go back a little, we see that the company went to Carnarvon in 1965 under the provisions of a temporary reserve agreement.

The Hon. A. F. Griffith: Are you looking at me and asking me a question?

The Hon. S. J. DELLAR: The company carried out tests in accordance with the agreement and established certain works and undertakings. It reached the stage where it could not continue to operate under the terms of the original agreement. It approached the Government and received approval to vary the agreement.

The Hon. A. F. Griffith: When the temporary reserve was let there was no agreement. It was only to apply after the proving period.

The Hon. S. J. DELLAR: In 1967 the agreement was signed. In 1972 the company received the blessing from the present Government to produce a product which would comply with an amended definition of potash. At that time numerous newspaper articles appeared. One was in the *Sunday Independent* of the 6th August, 1972, under the heading of "$4.5 million industry for Carnarvon". In the Trade, Finance and The Economy column of the same newspaper there appeared an article headed "$3.4m Potash Plant". In *The West Australian* at about the same time another report appeared under the heading of "$4.5m. salt plant to be built".

I was interested to read the remarks of Mr. Berry in relation to these newspaper articles. He referred to them in his contribution to the Supply Bill of last year. At that time the feeling in Carnarvon was that the town and district would get an industry which would provide additional employment and stabilise the area. Mr. Berry's comments can be found on page 2275 of the 1972 *Hansard*, and are as follows—

> A great fanfare of trumpets heralded the establishment of a $4,500,000 project by the Texada Company in the Carnarvon area. However, in my opinion there was no need for any fanfare of trumpets, because that project is the subject of an agreement that was passed by Parliament some years ago, and the company is only conforming with the conditions that were laid down under the agreement.
>
> The Hon. S. J. Dellar: It is nice to see it going, though.
>
> The Hon. G. W. BERRY: The fanfare of trumpets was quite unnecessary, because under the agreement the company was bound to honour its commitment if it wished to continue operating in the area.

I was a little disappointed with those comments, because he also represents the province that I represent.

The Hon. G. W. Berry: You do not think that it was a statement of fact?

The Hon. S. J. DELLAR: It is a matter of conjecture whether Carnarvon being given a $4,500,000 industry was heralded by a fanfare. I was quite pleased to see those headlines. I do not consider them to be any different from the headlines which appeared in *The West Australian* on the 17th February, 1967, such as the one "$13m. Plant May be Built for Potash". This was a two-column report, and included a map showing the area in question. I would say that it was very heartening to the residents of Carnarvon to think that such an industry would be established.

I do not think the Press release put out in August last year, when it was decided that the company would be able to go ahead with the production of a product under an amended definition in the agreement, was a fanfare of trumpets, or a beating of cymbals. It was good news not only to the residents of Carnarvon, but to the whole State in more ways than one.

I conclude my contribution by pointing out that the fact is the company has spent millions of dollars; it could not comply with the definition in the original agreement; it is prepared to continue the development which will benefit not only the Carnarvon district but the State of Western Australia; it has been able to get this project off the ground and will employ something like 100 men when it achieves a higher production; it will take up the slack in the Carnarvon area with the closing of the tracking station in 1974; and other industries in the Carnarvon area will benefit. For these reasons I think the company should be praised, and not chastised. It has done everything possible. It has received the approval of one Government or the other for everything it has done.

The Hon. N. McNeill: I was not chastising the company but the Government.

The Hon. S. J. DELLAR: I did not chastise the honourable member. I agree with the sentiments he expressed. For those reasons I support the Bill.

THE HON. N. E. BAXTER (Central) [4.21 p.m.]: I am constrained to rise because of certain statements made by Mr. Dellar, and because I have some queries in regard to this legislation. Firstly, Mr. Dellar referred to a product which cannot be produced at Lake MacLeod; that is, muriate of potash. The second reading speech of the Minister does not bear this out at all, because on page 1168 of the current *Hansard* the Minister is recorded as having said—

> The company also claimed that langbeinite would be more easily and reliably produced at Lake MacLeod than potassium chloride—muriate of potash—and that its value was as high as or higher than that of potassium chloride per unit weight.

Another statement made by Mr. Dellar was that the original Bill placed no restrictions on the production of salt. Indeed, there is no restriction placed on the production of salt by this Bill. The only restriction applied to the company is on the quantity of salt which may be sold.

Under the terms of the amended agreement, irrespective of the quantity the company produces each year it must have a stockpile surplus for the years 1973, 1974, and 1975. The result is that in 1976 the company will have a huge stockpile. What will happen to this?

In regard to my other queries, I would point out that most of us know the usual potash application in farming areas is in two forms—muriate of potash and gypsum. What the farmers look for is the potassium content in the muriate of potash and the calcium content in the gypsum.

We do know what muriate of potash will do to the soil, we know what percentage of it is water soluble, and what percentage is acid soluble. In the case of langbeinite, what do we know?

The Hon. D. J. Wordsworth: Not a thing.

The Hon. N. E. BAXTER: What quantity of langbeinite has to be used to top dress the soil, as compared with muriate of potash? Instead of using two or three bags of muriate of potash, it could mean the use of up to half a ton of langbeinite; and this creates a problem. The problem is the quantity of langbeinite to be used for top dressing.

We do not know the cost involved in applying half a ton of langbeinite to the land, as against two or three bags of muriate of potash. This has not been explained to us. On top of that we have to take into account the calcium content and the potassium content of langbeinite, the percentage that is water soluble, and the percentage that is acid soluble. We have not been given any explanation of these matters, although according to the Minister's second reading speech the company has stated that the value of langbeinite is as high as that of potassium chloride. Does he mean in relation to the value of money or in relation to its use as a fertiliser?

Farmers who are placed in a position of having to apply fertilisers to their land might buy langbeinite and find it is worthless, because of the low percentage of the water soluble content. It could be a complete failure to the farmer who uses this product as a fertiliser.

I do not mind any variation being made to an agreement, as long as we are told about the associated problems, about what we are up against, and about what the result will be. These are the problems which are exercising my mind in regard to the Bill before us.

Debate adjourned, on motion by The Hon. J. Heitman.

QUESTIONS (9): ON NOTICE

1. PRICES CONTROL

Statement by Prime Minister

The Hon. A. F. GRIFFITH, to the Leader of the House:

(1) Has the Minister read the article on page one of *The West Australian* of Monday, 7th May, 1973, headed "P.M. Rejects Pay Prices Freeze"?

(2) Does the State Government agree with the statements contained in the article attributed to the Prime Minister?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Not all of the statements reported to have been made are in accordance with the Government's thinking. However, we are completely in agreement with the statements that "The search for a prices and incomes policy must not become a substitute for actions in areas where Governments have a real and unchallenged power to improve the standards of our lives" and that "the Government would make an all-out assault on rising prices".

2. ROADS

Guide Posts

The Hon. C. R. Abbey for The Hon. V. J. FERRY, to the Leader of the House:

(1) Have concrete posts been considered for use as roadside guide posts in this State?

(2) What are the comparable dimensions and respective costs of—

(a) concrete guide posts, and

(b) timber guide posts?

(3) In view of the ample natural resources of suitable timber being available in Western Australia for guide post purposes can the government assure the timber industry that it will give preference to timber materials for this purpose?

(4) Is there a national standard for guide posts throughout Australia?

(5) If so, what is the standard?

(6) Is there considered to be any difference in road safety factors between concrete and timber guide posts?

(7) In the event of a vehicle striking a guide post not being of approved material and resulting in damage to that vehicle, personal injury or

loss of human life, what would be the responsibility under these circumstances of—

(a) the Main Roads Department; and

(b) the local authority?

The Hon. J. DOLAN replied:

(1) Yes.

(2) (a) The Main Roads Department has not used concrete guide posts so costs are not known.

(b) Dimension 4 in. x 2 in.

Cost (metropolitan area)—

Length 4 ft. 6 in. $61.66 per hundred.

Length 3 ft. 6 in. $51.88 per hundred.

(3) Timber guide posts have generally been satisfactory except in those areas where termites and climate render it necessary to use alternatives. No change in policy is contemplated.

(4) Yes.

(5) A recent draft amendment to the Australian Standards for Road Traffic Control Devices recommends cross section for guide posts will be 4 in. x 2 in. with the wider face towards the oncoming traffic. Colour shall be white. The recommendation states that the guide posts shall generally be made from sawn timber but other materials may be used provided that the post does not constitute a hazard to vehicles.

(6) It might be assumed that the safety factor for timber guide posts is greater than for a concrete guide post. However, the Main Roads Department has had no experience in this field.

(7) In the event of a vehicle striking a guide post, whether in timber or other material, liability would depend on the circumstances of each case.

3. ABORTION LAW REFORM

Addresses to Schools

The Hon. R. F. CLAUGHTON, to the Leader of the House:

(1) Were the children at Melville High School addressed by a group from the Roman Catholic Church opposing change in laws relating to abortion?

(2) If so—

(a) on what date was the address given;

(b) at what time was it given;

(c) at what time did it conclude;

(d) (i) were all students required to attend; or

(ii) were students permitted to choose whether to attend;

(e) were parents advised that their children would be addressed on this subject;

(f) what are the names of the people who addressed the students;

(g) who gave permission for the address to be given;

(h) (i) is it proposed that a similar opportunity will be given for speakers in favour of reform;

(ii) if so, what individuals or organisations have been invited; and

(iii) what date has been set for them to be heard?

(3) (a) Has a request been made of the Education Department for permission for talks on this issue to be given in Government Schools;

(b) if so, what individuals or organisations have been granted approval;

(c) what individuals or organisations have made such a request?

(4) In what other Government Schools have addresses been given opposing reform?

(5) As the subject is an important issue on which there are strongly opposing views and if it is felt desirable to have such talks given in schools, will the Government take steps to ensure that students have an opportunity to hear both viewpoints?

The Hon. J. DOLAN replied:

(1) Students at Melville High School were not given a formal address on the subject of Abortion Reform by a member of the Roman Catholic Church. The subject did come up in question time in a religious seminar held at the school.

(2) (a) to (c) The seminar was held on Thursday, 3rd May between 9.10 a.m. to 12.40 p.m.

(d) (i) and (ii) Attendance at religious seminars is optional.

(e) The discussion on abortion was not anticipated but arose incidentally during the seminar.

(f) The visitors to the seminar were:—

Father Lyons,
Sister Marguerite,
Mrs. Doris Martyr,
Mr. Peter Vaughan,

Father Pat Cunningham,
Mr. Terry Curtis,
Mr. Ferguson,
Mr. Ellis Griffiths.

(g) The Principal of Melville Senior High School gave permission for the seminar to be conducted in line with Education Department policy.

(h) (i) to (iii) As mentioned above, the discussion arose incidentally and there are no plans to discuss this matter further.

(3) (a) to (c) No requests have been made to the Education Department for talks to be given on this issue.

(4) The Education Department is not aware of any other discussions.

(5) It is the policy of the Education Department that students be given the choice of discussing social issues. Where this does occur, every endeavour is made to present opposing views.

4. TRAFFIC

Police Vehicles: High Speed Chases

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

(1) Is the Minister aware that 167 police vehicles in New South Wales were involved in smashes which injured 47 members of the public and 181 policemen?

(2) Will the Minister enquire why the State Opposition transport spokesmen in the New South Wales Parliament, Mr. Peter Cox, is quoted in *The Sunday Telegraph*, 15th April, 1973, as calling for a review of regulations concerning high speed chases, and particularly Mr. Cox's statement "Radio and Radar provide a far safer alternative to using an unmarked Police Car"?

(3) Is the Minister aware that—

(a) Mr. Commissioner Whitrod of Queensland declared that "high speed chases are dangerous"; and

(b) last year the Government of Queensland decided to sell all its high speed vehicles?

(4) In view of this will the Minister reconsider the purchasing and use of high speed motor cycles by the Western Australian Police Force and ban high speed chases, thus preventing the grave risks of accidents to members of the public and the Police Force?

The Hon. J. DOLAN replied:

(1) to (3) No.

(4) No. It is not considered there is a grave risk of accidents to members of the public and the Police Force. The subject will be discussed by the Commissioner of Police at the next Conference of Australian Police Commissioners.

5. RED KANGAROOS

Conservation

The Hon. G. C. MacKINNON, to the Leader of the House:

(1) Has the Minister seen the article on Page 2 of S.W.A.N.S. Vol. 4 No. 1 Summer 1973?

(2) Is it the intention of the Government to institute the suggested public relations programme in order to inform overseas people that the Western Australian management programme for the Red Kangaroo is designed primarily to ensure the long term conservation of the Kangaroo while at the same time providing protection for the farmers?

(3) If it is intended to follow the advice tendered in this article will the Government bring the facts to the attention of the Commonwealth Government in order that some sense may be brought into the thinking of the "emotive and uninformed" conservationists in the present Federal Government?

(4) Will it be forcibly pointed out that the only real alternative to the system introduced by the last Liberal government in Western Australia is wholesale poisoning with all the extra expense to farmers and prolonged suffering by the Kangaroos that this would entail?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Such a programme has already been instituted to publicise the Western Australian approach through publications such as S.W.A.N.S. but the State cannot speak on behalf of all States.

(3) The Government has already done this and will continue to do so.

(4) This has also been pointed out to the Commonwealth Government.

6. DROUGHT RELIEF

Esperance Shire

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) Has there been a request to declare part of the Esperance Shire as a disaster area due to the effect of high winds following a long drought?

(2) If so what action is the Minister taking to—

(a) alleviate the hardships; and

(b) make grain available for stock feed?

(3) (a) What is the present availability of grain to Esperance farmers;

(b) from which bins and at what price is grain available?

(4) With reference to the advice to property owners requesting details of expected requirement of stock feed—

(a) are these requirements being filled;

(b) if so,

(i) at what price;

(ii) from which bins?

The Hon. J. DOLAN replied:

(1) and (2) No formal request has been received but the Department of Agriculture has been advised that a problem may exist and has arranged to have the matter investigated.

(3) (a) Wheat is the only grain available and 15,750 tons are held in the Esperance Zone.

(b) Wheat is held at the following bins:—

	Tons
Esperance	11,300
Salmon Gums	260
Ravensthorpe	970
Lake King	3,500

The price is $1.55 per bushel at Esperance.

(4) Farmers indicated to the Chairman, Drought Consultative Committee, an expected grain feed requirement of 540 tons.

The W.A. Barley Board has provided 665 tons of barley and the Australian Wheat Board 400 tons of wheat to farmers in the area in the past three months.

7. FLORA AND FAUNA INSPECTOR

Appointment

The Hon. V. J. FERRY, to the Leader of the House:

(1) Is it intended that a Flora and Fauna Inspector will be appointed to Manjimup?

(2) If so—

(a) when will he take up his appointment; and

(b) what areas will come under his supervision?

The Hon. J. DOLAN replied:

(1) Yes, as an Inspector of Fisheries and a Warden of Fauna.

Flora Inspectors are appointed under the Native Flora Protection Act administered by the Forests Department.

(2) (a) Before the end of May, 1973.

(b) The Shires of Manjimup, Greenbushes, Boyup Brook and Kojonup.

8. PORT OF BUNBURY

Study on Utilisation

The Hon. G. C. MacKINNON, to the Leader of the House:

Will the investigation of out ports promised by the Leader of the House when answering question No. 8 on Tuesday, 8th May, include Bunbury?

The Hon. J. DOLAN replied:

Yes.

9. TOWN PLANNING

Statements by Member of Parliament: Inquiry

The Hon. N. E. BAXTER, to the Leader of the House:

(1) Does the Minister consider that the reply given to my question No. 4 on Tuesday 8th May, is an answer to the four parts of the question asked?

(2) Would the Minister agree that the replies to my question are totally inadequate?

(3) Will the Minister endeavour to persuade the Minister for Town Planning to give a straight forward separate answer to each part of the question No. 4 referred to above?

The Hon. J. DOLAN replied:

(1) to (3) These questions seek an expression of opinion which I am unable to give, nor am I willing to endeavour to influence the Minister. However, a copy of the questions was made available to him and he has submitted the following information:—

The reply in question indicated that statements made by the Hon. F. R. White were referred by the Minister for Town Planning to the Chairman of the Public Service Board. The matter then became one for the consideration of the Board.

The Board advised the Minister that any investigation it might make will be conducted by the Board as a whole. The Board would not contemplate summoning a member of Parliament to give evidence, although it might invite Mr. White to assist in its enquiries.

In regard to question No. 4, the matters to be considered by the Board would not require knowledge or experience in the field of town planning.

SUPPLEMENTARY QUESTIONS

Standing Order 155

The Hon. R. F. CLAUGHTON:

I would like to ask several supplementary questions, Mr. President, following the answers given by the Minister today. I understand I can do so under Standing Order 155.

The PRESIDENT:

Supplementary questions will have to appear on the notice paper.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading—Defeated

Debate resumed from the 19th April.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.36 p.m.]: Two principles are contained in the provisions of this Bill. The first, and the more important, seeks the abolition of the death penalty for wilful murder. In 1961 the previous Government abolished the death penalty relating to the crime of murder, and made provision, in the Offenders Probation and Parole Act, for the rehabilitation of persons convicted for murder and sentenced to life imprisonment. That was a forward step and, of course, one which received considerable commendation. Since 1964 the previous Government exercised the Royal prerogative on no fewer than six occasions.

The second principle contained in the Bill seeks the deletion of all reference, in the principal Act, to corporal punishment. During the debate in another place there were 18 speakers to the Bill. A total of 10 were against it and of the 10 only four made any reference to the corporal punishment principle. Of those four, three spoke in favour of removing it and one against removing it from the Act.

Section 278 of the Criminal Code is as follows—

> Except as hereinafter set forth, a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder.

The words to which I would like to draw attention and to emphasise to members are—

> to cause his death or that of some other person.

Those material words indicate that there must be an intention to cause death for wilful murder to be an issue.

This is quite an emotional subject and people from all walks of life have differing views as to whether they are pro or anti. It is almost impossible to debate the issue completely in a dispassionate manner. A terrible crime could inflame one emotionally to the extent that one would feel no punishment for the offence could be too severe. Then, of course, one will find other people who adopt the attitude of being merciful even to persons who commit crimes in that category, and who feel that the extreme punishment of taking the life of the offender who committed the crime is undesirable. I find it almost impossible to try to reconcile the two opposing points of view.

Members may recall that this question was debated last month in the House of Commons when a Bill was introduced to re-establish capital punishment. Capital punishment had been removed from the Statute book, in the House of Commons, some years previously. However, on the last occasion when the measure was debated it was rejected by 320 votes to 178. The voting was not confined to one party or the other. Seventy-nine Conservatives voted against the measure, and most of the other voters were Labor and Liberal members.

In 1969—on the previous occasion when the Labor Government moved to make the abolition of the death penalty permanent—the voting was 343 to 185 in favour of abolition. Those figures indicate that the situation was almost identical with that which arose four years later.

Prime Minister Heath has been asked to introduce another Bill to restore capital punishment but he has flatly refused to do so. He maintains that as far as he is concerned such a Bill should be introduced by a private member, and should be debated on non-party lines.

The Hon. A. F. Griffith: That is not a bad idea. I think it is a good idea. That method is not being followed by your Government.

The Hon. J. DOLAN: No, because this is part of our policy.

The Hon. A. F. Griffith: Your members have to vote in favour of the Bill whether they have a conscience or not.

The Hon. J. DOLAN: Not necessarily. I have known members who, although certain matters are policy, have sometimes decided that their conscience was such that they could not go along with the proposal at the time. I know one person who, in certain circumstances, would be prepared to do just that.

The Hon. A. F. Griffith: I know you would, too.

The Hon. J. DOLAN: In the Federal sphere the Liberal Party has indicated it will not oppose legislation to abolish the death penalty, as proposed by the present

Federal Government. The Leader of the Opposition in the Federal sphere proposed that members should be bound to vote against the measure, and considerable debate occurred in the Liberal Party Caucus. An overwhelming majority of the Liberal Party Caucus opposed the suggestion to vote on party lines.

The Hon. G. C. MacKinnon: We do not have a Caucus.

The Hon. J. DOLAN: What does the Opposition call it?

The Hon. G. C. MacKinnon: A party meeting.

The Hon. J. DOLAN: It makes no difference. I know there is an inclination for people to think that the word "Caucus" has a certain meaning. However, it appears in all dictionaries and its meaning is no different from that of "meeting". I used that word advisedly because it was used in *The Australian,* which is a national paper. That paper referred to the Liberal Party meeting as a Liberal Party Caucus.

The Hon. G. C. MacKinnon: The fact is, the paper is wrong.

The Hon. J. DOLAN: Amongst those who opposed the suggestion in the Federal sphere were the former Prime Minister, Mr. Gorton, Mr. Chipp, Mr. Peacock, and Dr. Forbes. There were many senators amongst the others so it could be said that a fairly wide group were in opposition to any move which would bind them and remove their freedom to vote on the issue as they saw fit.

I would like to refer back to developments which have occurred in this State. The first move in our legislative Chambers to abolish the death penalty was made by Mr. Harry Mann who was, at that time, the M.L.A. for Perth. He was a Liberal member, and he was a former detective with the C.I.B. In the course of his duties as a detective he probably had an association with, and probably had to arrest, men who had been guilty of wilful murder. When introducing his measure he remarked that murder was committed by people who were unable to think or act for themselves. In other words, he attempted to convey the impression that the state of mind of these people is such that they should not be held responsible for their actions.

Queensland abolished capital punishment in 1922 and the last execution in that State took place in 1913, so it is approximately 60 years since there has been an execution in Queensland. It is difficult to quote figures to show whether the death penalty is or is not a deterrent in the case of the crime of murder.

In Belgium there has been only one execution since 1863—over 100 years—and that occurred during the 1914-1918 war, when emotions were such that the execution could be regarded as an unusual occurrence.

In Denmark the last execution took place in 1892. I think the execution was for a crime other than murder. The death penalty was abolished in 1870 in Denmark.

In Italy the last execution took place in 1876 and the death penalty was abolished in 1944.

In the Netherlands, the last execution took place in 1860, over 100 years ago, and the death penalty was abolished in 1870. No figures can be produced one way or the other to show whether this penalty has been a deterrent.

The last execution in Norway took place in 1876 and capital punishment was abolished in 1905. In Sweden the last execution was in 1910 and capital punishment was abolished in 1921.

The last execution in Switzerland was in 1924 and the abolition of capital punishment became effective in 1942.

In New South Wales there has not been an execution for between 40 and 50 years, and I have not seen any figures to indicate whether or not the abolition of the death penalty has resulted in an increase in the murder rate.

Quite by accident, I recently picked up a little book entitled *San Quentin.* It is the dramatic story of one of the most famous penitentiaries in the world and is written by Clinton T. Duffy, who was for a long time the warden at San Quentin. He comes up with some remarkable information. One of the stories related in the book concerns a man who was hanged at the moment he was about to be told he had been reprieved.

The Hon. R. J. L. Williams: Do you mean the man was gassed?

The Hon. J. DOLAN: I can only go on what is in the book. Clinton Duffy said to the man who had given the order for the execution to be stopped—

> "You're too late. The man's been hanged."
>
> I could hear him sucking his breath. "Duffy . . . " he said very slowly, "forget what I just said. Forget I ever called. If you ever say anything about this, the governor and I will both deny it. Don't even tell the warden. Understand?"
>
> "I understand."
>
> Warden Holohan never knew about this incident, nor did anyone else. The governor and his secretary are both dead, and so, alas, is the man who might not have been hanged.

Elsewhere in the book, after giving details associated with various hangings and death penalties, the author said—

> Capital punishment is a tragic failure, and my heart fights it even as my hand gives the execution signal in the death house.

It is difficult to know how far one must go back to fix the blame when a man has been guilty of an atrocious crime.

I cannot help thinking of a fellow with whom I went to school. I knew his home conditions were poor, as were also his family surroundings and the general attitude of the family towards law and order, crime, and so on. When I was a young man, it did not really come as a surprise to me to learn that this fellow had eventually become involved in an incident in Perth in which a man was killed by his hand.

I wonder where we should lay the blame. Does it rest with society? Does it rest with Government? Does it rest with the people around us who are never compassionate in these circumstances? Does it mean no attempt is made to rehabilitate these people before they commit crimes of this nature?

I know that when members vote on this Bill they will vote very sincerely, after giving it thought; and irrespective of what their views may be I ask them to allow the Bill to go to the Committee stage in order that we can discuss the second principle—the abolition of corporal punishment.

There are different forms of corporal punishment. When I was young, many a time I got a kick in the seat to go on with—probably from my father. I do not know that it ever did me any harm. I was sometimes punished at school if I stepped out of line, and sometimes I felt I was punished unjustly.

If I relate a story it may impress upon members that sometimes punishment can be unjust. When I was at school, every morning we used to form a semi-circle and the teacher would go around and check our homework. I was never a good writer and my homework did not look the best. I was quite young—in about the fifth standard. I used to be given four "cuts" for having dirty homework. The fact that every sum might have been right made no difference. I did not mind that so much—one could put one's hand out and grin and bear it. However, it has bugged me all my life that the fellows who did not do their homework at all were given only two "cuts". It took me a couple of weeks to wake up to this. Eventually, when I lined up and the teacher did his rounds, he said to me, "No homework, Dolan?" I said, "No, Sir." So I got two "cuts". The next day when he came around he said, "No homework again, Dolan?" I said, "No, sir." He stopped and said, "You always did your homework before. What has happened?" I said, "I used to get four 'cuts' for doing my homework badly and I get only two 'cuts' for not doing it at all." He said, "Do your homework from now on and you will not get the 'cuts' again."

The Hon. G. C. MacKinnon: You should have gone into banking. Anyone who can make a cop out of getting the "cuts" should be a banker.

The Hon. J. DOLAN: From that time my work began to improve and became comparable with that of everyone else in the class, because I did not have that punishment hanging over my head.

We should take stock of our attitude towards the unfortunate people who have committed atrocious crimes. Perhaps their treatment in life has been such that they have become sour and embittered and have developed such a hatred for society that in certain circumstances they commit terrible crimes. I do not attempt to justify their crimes.

The Hon. N. E. Baxter: You must have been a very nervous boy.

The Hon. A. F. Griffith: I would like you to tell me what you think about pack rape.

The Hon. J. DOLAN: I have not the words to say what I think about it.

The Hon. A. F. Griffith: What sort of punishment do you think should be given to a gang of pack rapists, bearing in mind that you got two "cuts" for not doing your homework?

The Hon. J. DOLAN: I would not care to express an opinion because we are not dealing with that matter.

The Hon. A. F. Griffith: Yes, we are dealing with whipping.

The Hon. J. DOLAN: I see what the Leader of the Opposition is getting at.

The Hon. A. F. Griffith: I thought you would see that very readily.

The Hon. J. DOLAN: I would prefer not to express an opinion.

The Hon. A. F. Griffith: It concerns the Bill before the House. Have you an opinion on that matter?

The Hon. J. DOLAN: I have an opinion on every matter and sometimes I decide to keep my opinions to myself, which quite often might be to the benefit of members.

Coming to modern times, capital punishment was suspended in Canada in 1967 for a period of five years to enable the Government to have a look at the overall position. Apparently the Canadian Government was quite satisfied about the suspension because it is bringing in another Bill to extend for another five years the period of suspension which expired on the 30th December, 1972. The Canadian Government wants to make sure.

So, from the point of view of deterrence, I am quite prepared to go along with the people who say hanging is a deterrent, and I could also agree with those who say it is not a deterrent. This question has not been resolved.

The Hon. W. R. Withers: What is the evidence presented by the Canadian Government in support of its Bill?

The Hon. J. DOLAN: It would have regard for the records over the long period before 1967 and the records for the five years during which the death penalty had been suspended. Nobody can say one way or the other whether the figures prove anything.

The Hon. W. R. Withers: They cannot be used as an argument in this House.

The Hon. D. K. Dans: The whole emphasis of people who oppose abolition is on revenge.

The Hon. G. C. MacKinnon: What is wrong with that? If I punched you on the nose, you would want your revenge.

The Hon. D. K. Dans: I would turn the other cheek.

The PRESIDENT: Order! The Leader of the House will continue.

The Hon. J. DOLAN: That incident probably conveys more than I have been able to convey: It is an emotional issue upon which people are divided, depending upon their point of view and how it has been reached.

I think corporal punishment—whipping, or the cat-o'-nine-tails is terrible. It is degrading to the person upon whom it is inflicted and it could have the opposite effect to that which it is intended to have. There might be the odd person who is physically frightened of anything like this, while another fellow might be so case-hardened that he could become a hardened criminal. I seriously suggest that the House give this Bill a second reading and that, irrespective of their views, members consider these two matters independently and exercise their judgment accordingly. I have pleasure in moving that the Bill be read a second time.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, Mr. President, I take it that when the record is produced the words, "I move that the Bill be read a second time", will not appear because the Leader of the House did not introduce the Bill; therefore he did not close the debate.

The PRESIDENT: For the sake of the record I would point out that my attention has been drawn to the fact that when Mr. Willesee was the Leader of the House he prefaced his remarks when introducing this Bill with the words, "I move that the Bill be now read a second time."

The Hon. A. F. Griffith: I accept that.

The Hon. J. DOLAN: When another Bill which was introduced by Mr. Willesee was before the House the Leader of the Opposition asked if I was accepting the responsibility for the Bill, or whether Mr. Willesee would do so. I said I was accepting the responsibility. If I remember rightly I was asked whether Mr. Willesee had the right of reply.

The Hon. A. F. Griffith: No, I said he was the only man who had the right of reply.

The Hon. J. DOLAN: Well, he did not have that right.

The Hon. A. F. Griffith: Yes, he did.

The Hon. J. DOLAN: Yes, but he did not exercise it. If that were the case, and had Mr. Willesee not been present in the House when I finished speaking to that Bill, I take it the Bill would have lapsed or would have been put to the vote.

The Hon. W. F. WILLESEE: As my name has been mentioned I would ask you, Mr. President: Has the member who moves the Address-in-Reply motion ever exercised his right of reply?

The PRESIDENT: Not to my knowledge.

Debate Resumed

Question put and a division taken with the following result—

Ayes—10

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans *(Teller)*

Noes—19

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. N. E. Baxter	Hon. S. T. J. Thompson
Hon. G. W. Berry	Hon. J. M. Thomson
Hon. V. J. Ferry	Hon. F. R. White
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. Clive Griffiths	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. J. Heitman
Hon. I. G. Medcalf	*(Teller)*

Question thus negatived.

Bill defeated.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.05 p.m.]: I move—

That the House do now adjourn.

THE HON. N. McNEILL (Lower West) [5.06 p.m.]: I would like to take this opportunity to bring to the attention of the House a matter of some consequence, in view of the fact that this part of the current session has not long to run, and I believe the matter is of some urgency. It relates to a situation which has been the subject of a good deal of representation to the Government and to the Ministers concerned. I refer to the supply of water

from the town water supply to certain of my constituents. Therefore I think it is appropriate that I take this opportunity to urge the Government to give more attention to the matter.

The constituents concerned are a small family, the husband and father of which is a mill worker. It is a small family with two or three children of tender age. During the period between May and August last year they were recorded as having used a considerable quantity of water for domestic purposes from the town water scheme of Yarloop. In actual fact—and I am referring to some correspondence of the Under-Secretary for Works in relation to this matter—the department acknowledged that the consumption of 182,000 gallons of water between the 5th May and the 9th August, 1972, was a particularly large quantity of water to be metered in the period concerned.

The occupants of the dwelling for that period felt that they did not use that quantity of water. They made repeated representations to the Bunbury office of the Country Water Supplies branch of the Public Works Department for a review of their account and for an examination of the reticulation. The department was sympathetic to the extent that it made repeated examinations of the problem and examined the reticulation. Despite repeated personal representations and a good deal of correspondence, the Under-Secretary for Works ruled that the water had been metered and, therefore, according to the law that was *prima facie* evidence that it had in fact been used, so the family was required to pay the account as assessed.

The financial circumstances of the family in question are difficult, to say the least. It will be appreciated that as a result of the nature of his employment the husband has little money available for payment of accounts of this nature. We should bear in mind that in respect of the 182,000 gallons of water the family is purported to have used during that period, they were presented with a Bill approaching $49. They approached me and asked if I could intercede on their behalf, and whether there was some way in which the account could be waived.

I took up the matter with the Under-Secretary for Works by correspondence, who confirmed to me the advice he had conveyed to the family; that is, because the water was metered they were liable for the account. However it was conveyed to me and to the family that if the family was in certain financial difficulties the department would be prepared to accept instalments to pay off the account.

However, under the circumstances, because on a previous occasion an error had occurred in accounts issued in that locality as a result of a similarity of names of certain subscribers, and because during the period when the meters in that area were read—in the middle of 1972—the administration of the local town water supply had been transferred from one office to another, I felt perhaps some human error could have crept in. I felt perhaps the Minister might have the opportunity to exercise certain discretions.

Therefore, on the 26th February, I wrote to the Minister for Works (Mr. Jamieson) and asked him whether in all the circumstances he would exercise any discretion available to him. I said if he could do so it would be greatly appreciated. The Minister subsequently replied to my letter and explained the whole circumstances. The final paragraph of his letter is as follows—

> Regrettably, in the absence of any evidence to suggest that an error has been made, I must support the Public Works Department's decision that Mrs. Johnson must pay the account. In view of the circumstances expressed in your letter regarding the finances of this family, I would suggest that the Department will be sympathetic to the extent of allowing Mrs. Johnson to pay for the account by small instalments each month.

So the Minister was not prepared to exercise any discretion which may have been available to him. Mrs. Johnson—she has given me permission to use her name—wrote to me after I conveyed that information to her, and I think it is worth while informing the House of the financial difficulties in which the family is placed. They are in the process of purchasing a car. In the pay period for the fortnight ended the 23rd February, the family paid $53 for the car, $10 for their milk bill, $5 for newspapers and school books, $5 for motor repairs, $6.40 to the Hospital Benefit Fund, $2.81 for meat, and other amounts for incidentals, including groceries. Out of the husband's pay packet of $122 for the fortnight this left an amount of $20 with which to feed, clothe, and maintain the family for a fortnight.

I think those facts would have been made known to the Minister to enable him to exercise sympathetic discretion and to waive the account for arrears. However, the Minister was not prepared to do that. I have since advised the family that it is advisable to continue to pay the current account for water and, as circumstances permit, pay at least $2 or $3 a month off the arrears. However, I believe I have presented a case for the Minister to exercise his discretion.

I would like to make it clear that I have made several visits personally to the home in question and I have found there is absolutely no garden at all. There is nothing around the house and the surrounds which would indicate that 180,000 gallons of water could have been used during the winter months. Yet it has been

claimed the meter has registered that consumption of water. I would also point out that there is nothing unduly peculiar about the amount of water used in the house.

The Hon. R. Thompson: Did they have the meter tested?

The Hon. N. McNEILL: Yes they did; to that extent the department has been co-operative in the extreme. The meter and the reticulation have been checked and, in fact, the meter was found to be 5 per cent. in error the other way—in other words the meter was reading 5 per cent. lower than it should have been; so it may well have been that the actual usage instead of being 180,000 gallons for the period in question could have been greater. Nevertheless that is the situation.

It seems inconceivable that a small quarter-acre State housing block on which there is absolutely no garden and which is a sandy piece of land should have used 180,000 gallons of water without this being noticed. It is not possible that this amount of water could have gone to waste without being noticed.

As claimed in the correspondence, it is true that according to the law the fact that the meter has registered such a quantity is *prima facie* evidence of the water having been used and, therefore, it must be paid for. I would like to refer to the relevant sections of the Country Areas Water Supply Act. I now quote from section 72 of that Act which states—

> Where water is supplied by measure to the owner or occupier of land rated under this Act, such owner or occupier shall pay for all water in excess of the prescribed quantity that he is entitled to receive in respect of the rate . . .

The following has more important application—

> . . . but where no such quantity is prescribed the owner or occupier shall pay for all water supplied to him by measure, and in either case the water shall be paid for at the prescribed price.

The next section of the Act to which I wish to refer is section 32 which states—

> Whenever a meter is used . . .

I will not bother to read the entire section. To continue—

> . . . the quantity of water shown by the index or register shall be taken *prima facie* to be the quantity of water which has actually passed through the meter and been supplied.

The section then continues. This establishes as *prima facie* evidence the fact that the meter having recorded such a quantity of water the Minister and his officers are entitled to, in fact, require payment for that quantity of water.

However, I have laid some stress on the financial circumstances of the family concerned and have said there is considerable doubt whether in fact such a quantity of water has actually been used on this property.

I believe that in such circumstances the Minister has power to exercise his discretion and in this connection I would like to refer to section 7 (4) of the Country Areas Water Supply Act which states—

> Where, by any of the provisions of this Act or any by-law or regulation in force by virtue of this Act, the exercise of any power or function by the Minister, or the operation of any provisions of the Act or of that by-law or regulation, is dependent on the opinion, belief, satisfaction or other state of mind of the Minister in relation to any matter, that power or function may be exercised by the person to whom that power or function has been delegated by the Minister, or that provision may operate, as the case may be, upon the opinion, belief, satisfaction or other state of mind of that person in relation to that matter.

I appreciate the fact that the officers of the department may not be prepared or willing to exercise any discretion in these circumstances; it may not be within their power to do so. But what I do believe is that subsection (4) of section 7 does give the Minister some opportunity to review these particular circumstances, not from the point of view of the legal aspect as to whether the quantity of water has or has not been used on the property, but from the point of view that there is this continued financial hardship imposed on the people concerned. In the circumstances I do think that subsection (4) has application.

The Hon. R. Thompson: I had some doubt as to whether I used 260,000 gallons but I still had to pay for that amount.

The Hon. N. McNEILL: The Minister for Community Welfare has his own personal problem, but I certainly do not propose to prolong the adjournment of the House to discuss it. Surely the prerogative lies with the Minister, because he is, after all is said and done, in the ministry.

I am not pleading my own personal case; I am pleading for a family who, I believe, is deserving of consideration. So without prolonging the debate or detaining members further I submit to the Government and the Minister that consideration and reconsideration should be given to the circumstances of the case that has been well presented and well documented. I trust that the Minister for Works (Mr. Jamieson) may be prevailed upon to exercise the discretions which I believe are available to him under the interpretations which should and may be applied under subsection (4) of section 7 of the Country Areas Water Supply Act.

I hope the Leader of the House will take note of what I have said and convey my remarks to the Minister for Works in the

hope that something will be done. My only reason for raising the matter is that a considerable amount of time has passed since August of last year, and since August of last year the people concerned have been required to pay off a certain portion of their water supply account.

For every week and month that passes they are out of pocket additionally to an extent which will further embarrass them and cause them extra difficulty. So I hope the matter can be given some urgent reconsideration and I trust the Minister will exercise the discretions which I claim are available to him. I hope he will exercise these in a manner which is helpful and certainly sympathetic to the parties concerned.

The Hon. J. Dolan: I wish you had raised it privately with me.

The Hon. N. McNEILL: Since I have not yet sat down, Mr. President, I would like to point out to the Leader of the House that this matter has been raised privately since August of last year.

The Hon. J. Dolan: I mean, I wish you had raised it with me.

The Hon. N. McNEILL: It has been raised with the Minister for Works who is the Minister responsible. I have taken the matter up with him personally.

The Hon. J. Dolan: Didn't you ask that I take it up with him?

The Hon. N. McNEILL: Yes, I am asking the Leader of the House to take the matter up with the Minister for Works.

The Hon. J. Dolan: That is why I said I would have liked you to take the matter up with me personally.

The Hon. N. McNEILL: I am completely justified in raising the matter in this House in view of the fact that I have on my file numerous letters between the Public Works Department, the Under-Secretary, and myself; apart from which there has certainly been a verbal representation of this by Mrs. Johnson to the Bunbury office and the Perth office of water supply. There has also been correspondence with the Minister for Works.

I have not raised the matter earlier because I have been hoping that we may have had presented to us legislation which would have covered this aspect and under which I could have discussed the matter. But seeing that the session is to terminate in a couple of weeks' time it appears that is not to be the position. Had I done what the Leader of the House suggests and raised the matter with him personally there is no certainty that the Minister for Works would have given any further consideration to this aspect, and during that time the family concerned would have been out of pocket to the extent of some additional dollars which would have meant their suffering further distress. I appreciate that the Leader of the House was only trying to help when he suggested that I should have raised the matter with him personally.

The Hon. A. F. Griffith: He can still represent the matter to the Minister for Works.

The Hon. N. McNEILL: If I have not been able to obtain any satisfaction from the Minister for Works after discussing the matter with him personally, I cannot see how I could have achieved my end by raising the matter personally with the Leader of the House.

I do, however, ask the Leader of the House to represent the matter I have raised to the Minister for Works in the hope that he may use the discretions which I believe, are available to him under subsection (4) of section 7 of the Country Areas Water Supply Act.

Question put and passed.

House adjourned at 5.26 p.m.

Legislative Assembly

Wednesday, the 9th May, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

PUBLIC ACCOUNTS COMMITTEE

Report

MR. HARMAN (Maylands) [11.03 a.m.]: I present to the House the seventh report of the Public Accounts Committee. I move—

That the report be received.

Question put and passed.

MR. HARMAN (Maylands) [11.04 a.m.]: I move—

That the report be printed.

Very briefly, the report covers an investigation by the Public Accounts Committee into the State Health Laboratories, the reasons for the establishment in 1972 of an organisation known as Western Laboratory Services, and the manner in which that organisation was established.

The investigation proved to be very interesting and worth while. It displayed the ever-increasing role of the State health laboratories in Western Australia and in the medical scene in the State. The investigation also brought into question the relationship with the Department of Pathology at the University of Western Australia. Members will recall that some aspects of this situation were raised by the member for Subiaco in this Chamber in November, 1972.

The committee acknowledges the frank and detailed evidence given by the witnesses who appeared before it, and is