Mr. LEWIS: I think it is set out in the legislation. I would say it commences when he lodges the appeal.

Mr. TONKIN: Despite what the Minister says, what he is now proposing is contradictory. It is now proposed to provide that if a person commences an appeal to the court which, under clause 39 would stop him from appealing to the Minister, he could in certain circumstances appeal to the Minister because his right is not extinguished.

Mr. JAMIESON: It has been mentioned that there could be a modified decision. That is true; the court would not grant every request and in some cases there would be a compromise. However, one of the parties to the appeal would be sitting on the appeal court. The member of the judiciary would be there as an unbiased person but if the Minister put up a substantial case—that the matter appealed against would tend to prejudice public interest—then the appeal court would have to listen to that argument. So I suggest this is so much extra verbiage which is not necessary.

Amendment put and passed.

Mr. LEWIS: I propose to move an amendment as follows:—

Page 8, line 19—Delete the words "shall be followed by".

Mr. JAMIESON: A subsequent amendment removes the words "Town Planning." I think it would be more correct, in this proposed amendment, also to delete the words "Town Planning." The decision would then bind the court in making its determination on an appeal.

I am not particularly interested whether the Minister makes the amendment or not. However he should have a look at it or suggest that his colleague does at a later stage.

Mr. LEWIS: Further on, we propose to delete the words "Town Planning" in every case where the Town Planning Court is mentioned. The suggestion made by the member for Belmont would be consistent with other amendments which will be made later on.

The CHAIRMAN: I suggest to the Minister that he should delete the words, "shall be followed by a Town Planning" and he could insert the words "binds the."

Mr. LEWIS: I will follow your advice, Mr. Chairman.

The clause was further amended, on motions by Mr. Lewis, as follows:—

Page 8, line 19—Delete the words "shall be followed by a Town Planning" and substitute the words "binds the".

Page 8, lines 29 and 34—Delete the words "Town Planning".

Page 9, line 5—Delete the words "Town Planning".

Page 9, lines 13 and 14—Delete the words "shall receive such salary and other allowances as" and substitute the passage ", while acting as such, shall continue to receive the salary and other allowances that".

Mr. LEWIS: I move an amendment—

Page 9, line 18—Insert after the word "such" the words "remuneration and".

I think this provides for the remuneration of another member of the committee.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. NALDER (Katanning—Deputy Premier) [12.55 a.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. today (Wednesday).

Question put and passed.

House adjourned at 12.56 a.m. (Wednesday).

Legislative Council

Wednesday, the 25th November, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 3.30 p.m., and read prayers.

QUESTIONS (4): ON NOTICE

1. RAILWAYS

Bridgetown Depot

The Hon. V. J. FERRY, to the Minister for Mines:

(1) Is the railway locomotive depot to remain at Bridgetown?

(2) If so, are any changes being contemplated in respect of—

(a) the number of employees; and

(b) the service facilities available?

(3) If the depot facilities are to be transferred to another centre—

(a) where will the depot be re-established;

(b) when will the transfer take place;

(c) how many employees will be employed; and

(d) what depot service facilities will be available?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) Answered by (1).

(3) (a) Manjimup.

(b) This will depend upon the time taken to upgrade the track to Manjimup.

(c) Planning has not yet proceeded to the point where a definite answer can be given.

(d) Fuel, oil and sanding facilities only.

2. EDUCATION

Meekatharra School

The Hon. CLIVE GRIFFITHS (for the Hon. G. E. D. Brand), to the Minister for Mines:

(1) Is the Roman Catholic Convent at Meekatharra to be closed at the end of the 1970 school year?

(2) If so, what steps have been taken to arrange the necessary accommodation and staff at the Government School to cope with the possible additional intake of students in 1971?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Sufficient accommodation is available at the Government School where there are six classrooms for an estimated enrolment of 210 in 1971. Staff will be provided as required.

3. YOUTH SERVICE ACT

Age Limitation

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

(1) Has the Minister for Education had the discussion with the Chairman of the Youth Council, as suggested in his letter to me on the 25th September, 1970, in regard to the revision of the age limitation contained in the Youth Service Act, 1964?

(2) If so, would he supply details of any decisions reached?

(3) If not, when are the discussions likely to take place?

The Hon. A. F. GRIFFITH replied:

(1) to (3) I am advised by the Chairman of the Youth Council that the question of the age limit has been and is under consideration by the Youth Council.

No decision has been reached as it is felt that this and broader issues of the scope of the Youth Council should await the result of a visit overseas to be undertaken by the Chairman of the Council in 1971.

Subsequent to this trip the Chairman of the Youth Council will report to the Minister and decisions can be made.

4. VERMIN CONTROL

North-West and Murchison Areas

The Hon. G. E. D. BRAND, to the Minister for Mines:

What progress has been made with the implementation of the submission from the Pastoralists and Graziers' Association on the need for a comprehensive vermin control for the North West and Murchison areas?

The Hon. A. F. GRIFFITH replied:

Proposals submitted by the Pastoralists & Graziers Association to the Ministers for Agriculture and the North-West are being considered and a final decision is anticipated at an early date.

ADMINISTRATION ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.37 p.m.]: I move—

That the Bill be now read a third time.

It will be recalled that during the debate on this Bill last evening a question arose, and the accuracy of the answer which I gave was, to say the least, in some doubt in my mind, and I wanted the opportunity to clarify the situation. I am now in a position to do that.

The position in relation to a home owned by a deceased person in joint tenancy with the surviving spouse under the proposed general deduction of $10,000 for the spouse may be put simply as follows: Nothing in the Bill prevents a person from taking advantage of joint tenancy as a means of ensuring that one-half of the value of his home does not form part of his estate for probate purposes.

In the most common case, a man may own a home valued at $20,000 in joint tenancy with his wife. On his death, full ownership of the home passes to his wife but only his share of the value of the home —namely, $10,000—is aggregated with other assets in his estate. His wife's share cannot form part of his estate because he did not own it.

Therefore, by owning the home in joint tenancy with his wife, he automatically ensures that only one-half of its value can be assessed for duty as part of his estate. This is the position under the Act as it now stands and it will remain the position under the proposed amendments.

Now let me turn to the application of the concessional deduction. At present the Act provides for a deduction of up to $7,500, but only in respect of the half share of a matrimonial home held in joint tenancy with the surviving spouse. That is, we allowed a deduction of up to $7,500 from the deceased's half share of the home. However, it should be noted that the deceased could not qualify for the deduction unless he owned his house in joint tenancy with his wife.

That concession is to be discontinued and in its place it is proposed to allow a general deduction of $10,000 from a deceased's estate where there is a surviving spouse. That deduction will be applied whatever the form of assets making up the estate.

Now let us see what happens under this proposal where a home is owned in joint tenancy with the surviving spouse, and for this purpose I take the example given by Mr. Medcalf.

Let us suppose that a person left an estate consisting of $15,000 in shares or bonds, plus a $20,000 home which the deceased owned in joint tenancy with his wife. To begin with, only one-half of the value of the home would be brought into his estate—that is, $10,000—making a total estate of $25,000. Because he left a surviving spouse, he is entitled to a deduction of $10,000, reducing the estate to $15,000. As no duty is payable up to $15,000 under table 1, the estate would be exempt from duty. To summarise—

(1) Where a deceased person owned a home in joint tenancy with any other person, only half of the value of the home is brought into the estate.

(2) The general deduction of $10,000 will be applied to a deceased's estate where there is a surviving spouse, regardless of the nature of the assets comprising the estate.

I think my summation of the situation last night, to say the least, was not accurate. There was nothing wrong with the speech notes. They may have appeared to be a little contradictory, but I had this matter checked by the Treasury this morning, and I am assured that the situation will be as I have just stated. To put it in a nutshell, I think the position outlined by Mr. Medcalf last night will, in fact, be the case.

The Hon. W. F. Willesee: That is, there is no advantage in joint tenancy in the future?

The Hon. A. F. GRIFFITH: I did not say that.

The Hon. W. F. Willesee: That is my impression.

The Hon. A. F. GRIFFITH: The notes did not say that. I think there is advantage in joint tenancy; there must be. The home may be worth more than the sum given in the example. If the home is held entirely in the breadwinner's name, the estate might amount to more than the sum stated in the example.

To reply to the question, the Treasury has taken the example Mr. Medcalf used last night, and has commented upon that as to its accuracy. I still think there is advantage in the home being held in joint tenancy, but the fact that it is not held in joint tenancy will not debar a person from gaining the benefit which the Bill provides in respect of the first $10,000 of the assets.

THE HON. I. G. MEDCALF (Metropolitan) [3.43 p.m.]: I thank the Minister for his explanation. It does, in fact, quite adequately answer the question I asked. It appears to me, from that answer, that a joint tenancy is to be treated by the Probate Duties Office in exactly the same way as a tenancy in common. I do not believe there is now any room for doubt, as a result of the answer.

The reason I asked the question was that the wording of clause 8 appeared to me to exclude a joint tenancy. It is quite obvious that, irrespective of the legalities of clause 8—and whether I am right or wrong does not matter—the Probate Duties Office has given its view that a joint tenancy will be treated in exactly the same way as a tenancy in common. In those circumstances, I am more than happy with the answer.

THE HON. N. E. BAXTER (Central) [3.45 p.m.]: I cannot quite understand the Minister's explanation in this respect. In the principal Act, under joint tenancy an allowance of $7,500 is to be deducted from the final balance of the estate when the estate is left to the spouse of the deceased or is held in joint tenancy with the deceased. I think we are all agreed on that. That is contained in the principal Act at present.

Clause 8 does not amend that in any way. It leaves the provision as is. Clause 8 of the amending Bill does not deal at all with the domicile of the deceased and his wife. Clause 8 makes a straightout allowance of $10,000 from the final balance of the estate. I still maintain that in the event of a deceased person's estate being assessed for probate, $7,500 shall be deducted from the final balance where the home is held in joint tenancy, and in addition to that a further $10,000 shall be allowed from the balance of the estate, because clause 8 says nothing about the residence or domicile of the deceased person or his spouse. That is why I cannot understand the explanation. There is nothing in this Bill which cancels out or deals with the section which provides for the $7,500 allowance from the final balance where the home is held in joint tenancy.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.46 p.m.]: I think I have the right of reply. This is almost developing into a Committee stage, for which I apologise, but I think it will be agreed that this is an important matter. I will read again from the notes, as follows:—

> That concession is to be discontinued and in its place—

The words "that concession" apply to the $7,500.

The Hon. N. E. Baxter: Where does it say that in this Bill?

The Hon. A. F. GRIFFITH: Clause 13, which reads—

> 13. Section 79 of the principal Act is amended—
>
> (a) by substituting for the passage "(1) Subject to subsection (2) of this section, for" in line one the word "For"; and
>
> (b) by repealing subsections (2) and (3).

The Hon. N. E. Baxter: Thank you. I missed that.

The Hon. A. F. GRIFFITH: The notes continue—

> —it is proposed to allow a general deduction of $10,000 from a deceased's estate where there is a surviving spouse.

That deduction—and this is the important part—will be applied whatever the form of the assets making up the estate.

Question put and passed.

Bill read a third time and passed.

DEATH DUTIES (TAXING) ACT AMENDMENT BILL

Third Reading

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

WEST KALGOORLIE-LAKE LEFROY RAILWAY BILL

Receipt and First Reading

Bill received from the Assembly and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.49 p.m.] I move—

> That the Bill be now read a second time.

This Bill has been introduced to Parliament to obtain authority for the construction of a railway between West Kalgoorlie and Lake Lefroy, which is necessitated by the provisions of the Nickel Refinery (Western Mining Corporation Limited) Agreement Act Amendment Act, 1970, passed quite recently in this Chamber.

Members will recall that the agreement provides that the State will obtain the authority of Parliament to construct a standard gauge railway line from Kalgoorlie to Lake Lefroy, two spur lines—one to the smelter and another to the mill area at Kambalda mine—and to reconstruct, to a standard gauge railway, the existing line between Lake Lefroy and Esperance. Then, provided the necessary financial assistance can be obtained from the Commonwealth Government, or there should become available funds from another source, the works will be carried out.

The corporation's contribution to the work will be $9,000,000. In return for its contribution, the corporation has been granted a special freight rate of 1.8c per ton mile, which is conditional upon the corporation providing its own rolling stock to Railways Department specifications and meeting other requirements of the Railways Department in respect of minimum payloads, etc. The corporation also guarantees annual minimum net tonnages between Kambalda and Esperance and Kalgoorlie and Kwinana.

Sulphuric acid, once production reaches 20,000 tons per annum, can be transported at the same freight rate under certain conditions, otherwise should the corporation fail to meet the conditions, sulphuric acid will be transported at the book rates less 10 per cent.

The agreement provides for escalation of the special freight rate. As is usual the escalation is tied to wages, cost of distillate, and price of steel rails. There is also provision for an overall review of the special freight rate in 15 years after it commences to operate.

With regard to the proposed reconstruction of the narrow gauge railway between Lake Lefroy and Esperance, as this is only reconstruction of the existing railway, a Bill to cover this aspect is not necessary.

The schedule to the Bill describes the actual route of the proposed railway and I have a copy of Railway C.E. Plan 63432, which it is my desire to table for the information of members. I also wish to table a copy of the report submitted by the Director-General of Transport dealing with the proposed railway construction.

The plan and report were tabled.

Debate adjourned, on motion by The Hon. R. Thompson.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Town Planning), read a first time.

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [3.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill will introduce into the Act a new part being part V "Appeals." It is proposed under this part that a new system of appeals be introduced for appeals under the sections included in the amendment. At present appeals under these sections are to the Minister.

Two new bodies are proposed, one to be known as the town planning appeal committee to which the Minister may refer appeals, and the other a court to be known as the town planning court.

An appeal may be made to the Minister, as under the present Act, with the Minister having the added assistance of the appeal committee to determine the appeal; or, alternatively, the appellant can appeal to the town planning court for a formal hearing. The commencement of an appeal to one extinguishes any right of appeal to the other. Thus an appellant will have the choice of his appeal being dealt with by the direct method of approach to the Minister or the more formal proceedings of a court.

The town planning appeal committee will form a panel to which the Minister may refer appeals to an individual or a number of persons to investigate, hold inquiries, or conduct hearings and report with recommendations to the Minister who, after consideration of the report and recommendation, determines the appeal. Persons on the committee will be suitably qualified and competent to deal with the subject matter of the appeal being dealt with.

The town planning court is to be a court constituted from time to time, and its president will be a judge appointed by the Chief Justice, and two members, one of whom will be appointed by each of the two parties to the appeal.

In regard to appeals to the court, there is provision in certain circumstances when, on the declaration of the Governor, an appeal may not be heard and determined by the court. New section 36 clarifies the extent and effect of the provisions of the amendment in respect of appeals.

New section 37 defines the sections of the Act to which the amendment refers. These are—

(a) (i) Section 7 of the Town Planning and Development Act provides that a local authority may prepare a town planning scheme in respect to any land within its district. A town planning scheme would provide for a right of appeal where the local authority functioning as the responsible authority administering the scheme, exercises a discretionary power within the approved scheme.

(ii) Section 26 provides an appeal right to a subdivider who is dissatisfied with conditions imposed by the Town Planning Board in determining an application for subdivision, or with a refusal by the Town Planning Board to approve an application for subdivision.

(iii) Section 28A provides for an appeal where a person is aggrieved by the assessment of a local authority for a subdivider to meet portion of the cost of a road abutting his subdivision when the road has been constructed by a previous subdivider.

(b) Subsection (3) of section 10 provides that the Minister shall act as arbitrator in any dispute which may arise where any building or work is thought to contravene a town planning scheme, or where any provision of a town planning scheme is not complied with in the erection, or carrying out, of any building or work.

(c) Clause 33 of the metropolitan region scheme provides a developer who is aggrieved by a decision of the Metropolitan Region Planning Authority, or a local authority, with a right of appeal to the Minister.

The balance of new section 37 contains definitions. New section 38 provides for notice to be given to persons and bodies affected by the appeal.

New section 39 provides that an appeal may be made to only one of the appeal bodies. The exercise of an appeal to one body extinguishes the right of appeal to the other. The decision on the appeal by either the court or the Minister shall be put into effect according to its tenor.

New section 40 provides for the setting up of a town planning appeal committee which will consist of persons appointed by the Governor. It is considered that the establishment of similar appeal committees will assist the Minister in assessing and determining various cases.

It is the intention that the committee will form a panel of persons—three to commence with—whose qualifications or experience are of a standard suitable to fit them to serve on such a panel. From this committee the Minister will be able to refer particular appeals to a person, or persons acting jointly, to investigate, hold an inquiry, or conduct a hearing to establish all the facts of the case and report, with recommendations, to him. This may entail site inspections, interviews, hearings, or whatever else is necessary to assess the case.

Many appeals affect issues of a minor nature, or relate to slight modifications to policy which the authority concerned—that is, the local authority or the board—is not prepared to alter because such a decision could create an undesirable precedent.

However, the authority concerned frequently will indicate that it would not be greatly concerned if its decision were to be reversed on appeal.

Conversely, some appeals affect well-established policy which, in the public interest, should not be waived, that is, the policy of requiring the provision of local open space in subdivisions or the construction of access roads by the subdivider, or conditions of a similar nature. It is not proposed to waste the committee's time, or that of the appellant on such issues. These can be just as well dealt with by the Minister without reference to the committee.

Some appeals, however, do become involved and time consuming, involving site inspections, discussions with various parties, and the holding of a hearing to establish all the relevant facts; in cases of this type the committee would be of considerable value. Further, as the Town Planning and Development Act applies to the whole State, it will be appreciated that appeals can be expected, on occasions, from various country areas ranging from Albany to Port Hedland to Esperance. It is not proposed that the committee should be made to travel long distances on matters of no real significance.

The emerging factor is that someone must decide the relative importance of each appeal and it is considered that such a decision should be reserved to the elected representative and executive head, the Minister.

The allocation of uses of the community's land resources and the management of the subdivision and development of the land must, in the final analysis, remain a major function of the Government.

Decisions in the town planning field can go to the root of the community's economy. Since the application of planning is far reaching, it is not always possible to express, by written regulation or legislation, all the controls that may ultimately be proven necessary to protect the public interest. For this reason it will be appreciated that it is frequently necessary for a series of apparently *ad hoc*, but interrelated decisions, to be made in order to protect Government policy and the interests of the public. It is essential for the economic and environmental protection of the community that these decisions and principles are safeguarded.

It would not be correct for the Government to shirk this responsibility and it is, therefore, proposed that the ultimate decision must rest with the Government through the Minister.

The persons on the committee will receive remuneration as from time to time determined by the Governor, and this will be paid out of the Consolidated Revenue Fund.

New section 41 provides for the Minister to award costs. Under new section 42 where any appeal is made to the town planning court, notice is required to be served on the Minister and it cannot be further proceeded with until 14 days after that notice. Thereafter, the Minister may, within 14 days of receiving the notice, object to the court hearing the appeal, on grounds that it relates to matters which are contrary to town planning principles and would prejudice the public interest.

The Governor may, within 30 days after the Minister objects, make a declaration that the appeal should not be heard. If the Governor does not make a declaration, the appeal may be heard and determined by the court. The same thoughts I have expressed in dealing with new section 40 in this Bill extend to the provision in this new section 42.

Provision of this nature is desirable in the public interest. If a development, for example, were to be permitted in a water catchment area, the catchment could be drastically affected by such development, in consequence of which the survival of an area would be in jeopardy. Likewise, if a development contrary to the principles of the metropolitan region scheme were permitted, the scheme would be in jeopardy.

If we want order in the process of development and preservation of the environmental amenity of the community, then this can only be preserved by safeguarding the town planning principles which achieve it. It is on these occasions that the Government is of the opinion that it must retain for the people the right to intervene.

New section 43 provides for the constitution of a town planning court. This court will consist of a president who shall be a judge of the Supreme Court and appointed by the Chief Justice, and two members are to be appointed by each of the two parties to the appeal. Each member must be, in the opinion of the president, an appropriate person by reason of qualification and experience, to hear and assist with the determination of the particular appeal. This could be an architect dealing with a case where such expertise is needed, or an engineer in a case where engineering knowledge is particularly relevant, or a person experienced in the particular matter to be dealt with by the court.

The new section goes on to provide for either party to object to the appointment of any member and for the president to decide, and provides for replacement of the president or members in the case of death.

New section 44 provides for jurisdiction of the court to hear and determine the appeal. Provision is made in new section 45 for times and places of the sittings of the court to be notified not less than 21 days before the first sitting to each member and each party to the appeal.

New section 46 provides for the case to proceed and be heard and determined in the absence of any party failing to appear,

after notice in accordance with new section 45 has been given. A party may appear before the court personally, or by counsel or a solicitor.

New section 47 provides for the court to summon persons to give evidence, examine persons on oath or affirmation, and require the production of any documents, plans, etc. from any party. The same rights and privileges and obligations apply as in the Supreme Court. The court has the powers of a Supreme Court for the hearing and determining of the appeal.

Under new section 48, a determination of a majority of members is the determination of the court, but the president alone shall determine questions of law. This new section also provides that the president and one member will form a quorum, but if such a quorum is divided on a question of fact, the hearing shall be adjourned until all members are present but, in any event, a determination must be based on the majority of the members, except that the president shall have the sole right to determine any questions of law. The president has jurisdiction in all interlocutory proceedings and the same powers as a judge and may sit in chambers alone.

New section 49 provides that where the court is unable to agree by a majority on a determination, the president will dissolve the court and a fresh court will be constituted.

New section 50 makes provision for the president to refer any question of law to the Full Court and the decision of that body shall be followed by the town planning court when determining the appeal. The Full Court may order costs.

Under new section 51 the town planning court has the power to award costs, while new section 52 provides that the determination of the court is final and not subject to review.

New section 53 sets out that proceedings other than interlocutory proceedings will be conducted in public, but the court may operate in camera. New section 54 makes provision for remuneration to members to be paid from the Consolidated Revenue Fund, and new section 55 provides for the appropriate regulations to be made for the purpose of this part of the Act.

Debate adjourned, on motion by The Hon. R. F. Claughton.

MONEY LENDERS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.06 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is being introduced in order to remove an anomaly as between the Money Lenders Act and the Stamp Act, in relation to interest and stamp duty. In concept, "interest" is of significant importance in the administration of the Money Lenders Act, 1912-1962.

That Act brings within the definition of "money lender" any person who lends money at a rate of interest greater than 12½ per cent. (Section 3). It also lays down a maximum rate of interest (Section 11A); and requires that the interest be specified in the memorandum required by section 9 and that moneys under the contract of loan shall in certain circumstances, be appropriated as between principal and interest in a certain way (Section 11).

The Act in its present terms requires that, in reckoning the amount of interest in any particular case, one must include any—

> . . . charge, fees, costs, charges and expenses whether preliminary or otherwise . . . paid, given or allowed directly or indirectly for, or in connection with the loan itself . . .

On reference to section 2 of the principal Act we find the definition of "interest." The prevailing legal opinion is that, because of these words which are contained in the Act, the amount of any stamp duty which is payable in respect of a money-lending transaction and which is collected by the lender from the borrower is to be reckoned as interest.

Members will appreciate that I refer to those transactions which are "loans" within the meaning of that term as defined in the Money Lenders Act. This is not related to hire-purchase agreements which are not loans in that sense.

With regard to hire-purchase agreements, section 112T of the Stamp Act Amendment Act, 1969, makes it an offence for the vendor to collect or attempt to collect from the purchaser the amount of the related stamp duty. However, there is no such restriction with regard to loans to which the Money Lenders Act applies, and it is understood that in this area the usual practice is for the lender to collect the amount of the stamp duty from the borrower.

It is very confusing that these amounts have to be reckoned as interest. They represent moneys which have to be handed over to the State and are of no benefit whatever to the lender. This was the view which was taken when dealing with section 112T (1) under the provisions of the Stamp Act Amendment Act of 1969 when, in defining "interest" we excluded specifically therefrom—

> Any sum, lawfully agreed to be paid on account of duties or fees payable under any act.

As a consequence, all that is suggested now is that we make a similar exclusion in the definition of "interest" in the Money Lenders Act. It is proposed to back-date the amendment to the 1st January, 1970, which is the day on which the Stamp Act Amendment Act, 1969, came into force. It was this provision which imposed stamp duty on a range of transactions which are also within the ambit of the Money Lenders Act.

It is of more than passing interest to mention that the Money Lenders Acts of New South Wales, Victoria, Queensland, and South Australia, already exclude stamp duty from the list of incidental charges which are to be reckoned as interest. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. F. Claughton.

CHIROPRACTORS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th November.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.10 p.m.]: The crux of the argument in favour of this Bill is contained in a sentence in Mr. Claughton's speech to which I referred by interjection at the time. This sentence is very important in obtaining an understanding of the measure. Mr. Claughton said, "Where a person is so summarily deprived of his means of livelihood it must be a basic tenet of our law to provide a means for appeal against such a decision."

I said by interjection that this was not a factual interpretation of the powers conferred under the Chiropractors Act. The Chiropractors Act says that after the coming into operation of this Act a person shall not use the title of "chiropractor." There is nothing about his not practising his livelihood.

As I have said, this is the absolute crux of the matter. If a person were calling himself a chiropractor, it would not matter, according to the Chiropractors Act, what he was practising at the time he sought to be registered as a chiropractor; he could continue doing what he was doing.

No matter what he might be doing—it could be massage, or anything else—if the board examines him and he says he is not doing chiropractic, then the only thing he has not the right to do is call himself a chiropractor. But he can continue doing precisely what he was doing previously.

Accordingly, to say he is denied the right to earn his livelihood; that he is denied the right to do what he was doing, is just not in accordance with a proper reading of the Act. This, of course, was made quite clear at the time the legislation was introduced into Parliament and during its passage through both Houses.

He can call himself a manipulator; but he cannot call himself a chiropractor. This is the major difference between the board constituted under this legislation and a number of other boards. There is a right of appeal from some boards but not from others. For example, unless one is registered one is just not permitted to practise as a chiropodist, a dentist, a doctor, or a nurse. In such a case one would be forbidden to cut toenails or to trim corns or give advice in connection with such matters if the board says one is not registered. It would not be possible for that person to call himself a foot parer and set himself up in business.

The Hon. F. J. S. Wise: Masseurs do not have to be registered.

The Hon. G. C. MacKINNON: No.

The Hon. F. J. S. Wise: They have a queer practice.

The Hon. G. C. MacKINNON: So I read from the papers, though one must not always believe what one reads in the papers.

The Hon. W. F. Willesee: Everything is not always rosy, is it?

The Hon. G. C. MacKINNON: If a person is told he cannot call himself a dentist, he cannot call himself a fang farrier and continue drawing teeth. If a person is told, however, that he cannot call himself a chiropractor he can in fact continue to manipulate bones and so on.

The Hon. F. J. S. Wise: And bank accounts.

The Hon. G. C. MacKINNON: So he is not in any way deprived of a livelihood.

This seems to be quite a mistaken idea; and how anyone could get such a mistaken idea by reading the Act, I do not know. If anyone did have such an idea, how he could persist with it after reading the debates which took place both in this Chamber and in another place beggars my understanding. So it is quite wrong in this context to say, as the mover of the Bill said, that where a person is summarily deprived of his livelihood he should be given a right of appeal. If he had said, "Where he is deprived of the right to call himself a chiropractor" I would have to agree. But the honourable member said that where, in fact, a man is deprived of earning a livelihood, he should be given the right of appeal. But that is just not the case.

I repeat that if this were an amendment to the Dentists Act it would fit the case; because a person cannot change the name on the plate on the front of a building and call himself a "fang farrier"; and then go on pulling teeth.

The Hon. R. F. Claughton: I am not sure what the Minister is arguing at the moment.

The Hon. G. C. MacKINNON: I am arguing that the honourable member did not properly interpret the Act. What Mr. Claughton said was that the board, under sections 18 and 21 of the Act, has the power to say who shall be registered or deregistered as a chiropractor, and whose name shall be struck off the record of students.

The Hon. R. F. Claughton: Are you arguing that they should not have a right of appeal?

The Hon. G. C. MacKINNON: Yes, I am arguing on the same grounds that the honourable member used that there is no point in giving them a right of appeal. Mr. Claughton said that where a person is summarily deprived of his means of livelihood it must be a basic tenet of our law to provide a means for appeal against such a decision.

What I have been saying is that the Act does not mean that a person is deprived of his means of livelihood. All he is deprived of is a name. If a man claims to be a dentist and the dental board says, "You are not a dentist and you are not to call yourself a dentist" then he is deprived of his means of livelihood. He has been earning his living as a dentist and because the law says that he shall not continue to practise dentistry then that man is deprived of his means of livelihood.

However, if a person goes to the Chiropractors Registration Board and says, "I am a chiropractor" and the board says, "You are not"; that man can say, "Very well; I will call myself a manipulator" and he can carry on doing exactly the same as he was doing before. Therefore, he is not deprived of earning a livelihood; all he is deprived of is a name—the name of "chiropractor."

The Hon. J. Dolan: He can still practise chiropractic.

The Hon. G. C. MacKINNON: Mr. Dolan is quite right. Let us take the case of a person who is an absolutely rock-solid gold-plated chiropractor. He goes to the board and says, "I am a chiropractor and I want to practise." Then let us imagine —and it is extremely hard to imagine it— that the board is composed of very nasty fellows and they say, "No; we won't allow you to practise as a chiropractor." That man can go out and call himself a manipulator, put that name on the front of his building, and practise exactly the same as he was doing when he made application to the board. He can earn his living by doing that and there is nothing in the Act to stop him. The Act specifically says that after the coming into operation of the Act a person shall not use the title "chiropractor" or hold a license to practise chiropractic. In fact, he can do anything he likes except use the name "chiropractor."

So the basis on which Mr. Claughton has asked for an appeal is non-existent. A man is not, in fact, deprived of the means of earning a livelihood. What I want to stress is that if an appeal is granted, I believe it ought to be granted on a proper basis.

The DEPUTY PRESIDENT: Order! The Minister will please address the Chair.

The Hon. G. C. MacKINNON: An appeal should not be granted on a fallacious basis.

The Hon. W. F. Willesee: Tell us more about the fang farriers. I am most interested in them.

The Hon. Clive Griffiths: Tell us whether you are going to oppose the Bill.

The Hon. G. C. MacKINNON: I believe the Bill ought to be opposed because in the introductory speech no real basis for it was put forward. I notice a number of amendments have been placed on the notice paper and they are designed, should the Bill be agreed to at the second reading, to make the right of appeal retrospective —right back to the time the parent legislation was introduced. If they are agreed to a man will be able to appeal to a magistrate and the magistrate will be able to decide whether he should be allowed to use the name "chiropractor" or not.

I think this is quite unreasonable. It is not right to allow an appeal on a retrospective basis in this sort of situation because, in this instance, the grandfather clause was wide open. We must bear in mind that if a person has been calling himself a curative manipulator and he suddenly thinks there is some advantage in calling himself a chiropractor—and he might be doing something that does not remotely resemble chiropractic—he will be able to appeal and get the advantages of registration.

I know my interpretation of the Act is the correct one; because that is the way the board works. I know you, Sir, were interested in this matter at the time the parent legislation was introduced, and I know that you know that mine is the correct interpretation.

The Hon. L. A. Logan: He cannot tell you from where he is sitting.

The Hon. G. C. MacKINNON: It is a fact. That being so, I believe the Bill ought properly to be defeated. If it is not defeated at the second reading, I think it certainly should not be given the retrospective character provided for in the amendments on the notice paper. I certainly hope the House does in fact defeat the Bill; and hope, even more fervently, that if it is not defeated my amendment will be agreed to. This allows for appeal from now on only. I certainly do not favour the amendments on the notice paper in the name of Mr. Claughton.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.23 p.m.]: Perhaps the explanation given by the honourable member who introduced the Bill may have

been incorrect, as the Minister suggested. I agree with the Minister's interpretation of the Act. However, I think what the Bill does is more important and that is what I am interested in, and I believe we all ought to be interested in it—not necessarily the explanation that was given for its introduction. I think we ought to be concerned about what the Bill is going to do—that is, to give those people who apply for registration as chiropractors the right to appeal against the decision of the board if they are not granted that right to practise. I do not think the Bill will do anything more nor less than that.

The fact that if a person is not given the right of appeal but he can continue to practise chiropractic under some other name if he is not granted a license is not the point at all. The people this Bill covers are those who will be applying in the future to be registered as chiropractors because, in their opinion, they have the qualifications to be chiropractors.

If this board that the Minister mentioned—and he gave us an instance of a board which, for some reason or other, would be a very difficult one and would reject an application—acts in this way, we ought to provide a right of appeal. A board might be hostile and therefore provision should be made for a right of appeal where registration is rejected.

I come back to what I said at the beginning: I do not believe it really matters how the Bill was explained when it was introduced; what does matter is what it proposes to do and, in my opinion, all this Bill does is to give a person a right of appeal against the decision of the board if the board refuses to register him or causes his name to be removed from the register.

I certainly agree it does not stop a person from practising chiropractic under some other name. However, I believe if he is a qualified chiropractor, or is a competent chiropractor, he ought to be able to say so.

THE HON. F. J. S. WISE (North) [4.27 p.m.]: I wish to speak to this Bill from an entirely different angle. I draw the attention of members to the fact that the measure arrived from another place with the front page stating that it was read a first time on the 11th August, 1970, and that the Bill is as amended in Committee.

Over the last 20 years or so, very few Bills have had on their front page the name of the Minister who introduced them; nor does the date of the first reading appear on any Bills. To some who are perhaps less fussy than I am in matters of procedure that does not matter much. However, I think on analysis it matters a great deal. When this Bill leaves this Chamber, if it does, there will be nothing on it to say that it was not introduced by a member of the Government. As the Bill is filed it will appear to be a Government measure. There is no reference in our bound volumes of Statutes to the date of the introduction of an Act nor to the person who introduced it.

Until the year 1945 or 1946—and I can speak with some authority for the years prior to then—every Bill had printed on it the name of the Minister who introduced it and the date on which it was introduced.

The Hon. L. A. Logan: Or the name of the private member.

The Hon. F. J. S. WISE: Yes, or the name of the private member. I am grateful to one of our Clerks who in the last half-hour has indicated that it has not been the consistent practice to do this since the year 1945 or 1946.

On the Appropriation Bills for this year we see, for example, the words, "Introduced by the Treasurer, Hon. Sir David Brand." Those words appear on the Appropriation Bill (Consolidated Revenue Fund) which is soon to come to us. However, on many other Bills which have been introduced by Ministers in this Chamber during this session we see that the space has been left blank.

Why are the words retained on the front of a Bill? Either they have a place or they do not. I suggest they should have a place for the purpose of filing and of records. Any member who wishes to consult a Statute of any year will find it in a bound volume, with the assistance of the Clerks. A Bill is also retained in its original form.

It is a very small matter on the surface. I wish the Clerks could speak to us on this Bill, because I feel sure I know what their views would be. It is an important matter that the name of the Minister or private member should appear after the words, "Introduced by," and that the date of the first reading should be given.

It does happen that a Minister who is to be responsible for the evolution of a Bill, its creation, or introduction, is not known at a certain time, but it is known which Minister is responsible for an office, an authority, or the administration of certain Acts. In such cases the name could be inserted afterwards. In the majority of cases the Minister who is to introduce a Bill is known before the Bill is printed.

Let us go back a little to the form our Standing Orders took in the days of which I speak. The Leader of this House, The Hon. Arthur Griffith, was once in the Legislative Assembly. I am not sure of the position I occupied at the time, but I held some position of authority. Mr. Griffith will recall that the motion moved by a Minister for the second reading was, "I move that the Bill be printed and the second reading made an Order of the Day for the next sitting of the House." That

was the verbiage used until it was amended in 1968. In that year Standing Orders were amended and after the first reading the question to be put is that the second reading be made an Order of the Day for some particular day. That is the existing Legislative Assembly Standing Order.

Since we have departed from a motion to approve the printing we have also departed much further and very rarely do we find on the Bill the name of the Minister who introduced it.

This might sound a very simple matter, but I am nearing my swan song and I thought I would mention the point because it is important for reference purposes. As I say, it appears on the Appropriation Bills. I suppose it would be found in the set-up of the Government Printing Office. We would see the very words that now appear; namely, "Introduced by."

When this Bill passes from this Chamber it will not have, in the space provided, the name of the person who introduced it, but only the words, "As amended in Committee." I raise the matter to draw the attention of the Government to it because I repeat that until 1945 or 1946 reference was always made to the name of the person and, therefore, to the Government which introduced certain legislation.

The Hon. A. F. Griffith: I think the point is well taken.

The Hon. F. J. S. WISE: I support the Bill.

THE HON. V. J. FERRY (South-West) [4.35 p.m.]: The main purpose of the Bill is the question of the right of appeal. Generally speaking, I am in favour of all rights of appeal. I believe they serve a useful purpose in our society. However, I would be grateful to be enlightened by Mr. Claughton when he replies as to how the right of appeal will, in effect, be applied. As the Bill is printed it reads—

> . . . the person aggrieved may appeal to a magistrate of the Local Court against the decision of the Board . . .

This appeal is to a magistrate. On what grounds would a magistrate adjudicate? I could be corrected if I am wrong, but my understanding is that a chiropractor is duly adjudged to be a chiropractor by professional men; that is, by men in that profession.

I have never been a magistrate and perhaps that is a good thing. Be that as it may, if I were a magistrate, I would have to seek professional advice as to whether, in fact, the appellant was qualified or not. I would suggest that any magistrate would have to do this. The question I pose is: Would the magistrate turn to members of the board to give their expression of opinion again, having already made a decision against the appellant? If this is so, it would seem to me that the board would simply be repeating the expression it had already conveyed to the unsuccessful applicant.

Perhaps this is an incorrect interpretation of how the appeal would work. In this case, it seems to me it would be a matter of expertise in chiropractic rather than a point of law. For that reason I rather question the value of such a method of appeal. I am not at all convinced at this point of time that the method of appeal set out in the Bill will, in fact, have any real value.

THE HON. R. THOMPSON (South Metropolitan) [4.37 p.m.]: I support the Bill and would like to refer to the speech made by the last speaker. If he casts his mind back to 1964 when the Chiropractors Bill, which has subsequently become the Act, was before this House, he will recall that there was provision in that Bill for a grandfather clause. The honourable member said a moment ago that the people involved are professional men. That is not the case. They are not professional men, in the main. They are people who had practised chiropractic for a period of two years prior to the introduction of the parent measure.

The Hon. G. C. MacKinnon: The board consisted of two of each.

The Hon. R. THOMPSON: That is right; I was going to make that point. At the present time mention is made in the Act of the various training schemes in operation which are acknowledged as acceptable for registration purposes. In actual fact, one of the original members of the board did not have that particular training.

The Hon. G. C. MacKinnon: Two of them did not.

The Hon. R. THOMPSON: Perhaps that is so. I know of one in particular because I have spoken to him. It seems then that two people were not trained in the way the Act now demands.

In actual fact it has worked well. I do not want to steal Mr. Claughton's thunder, but proposed section 21A clearly sets out the intention of the Bill. The aim is to give those people who were not accepted at the time, and those whose names are struck from the register with no reasons given for not being acceptable, the opportunity to have justice done. They will be able to go before a magistrate and the magistrate will determine whether or not they were properly or improperly refused registration under the measure.

The Hon. G. C. MacKinnon: Incidentally, I understood they were given reasons by the board.

The Hon. R. THOMPSON: They may have been given reasons, but they seem to be aggrieved and think that the reasons

were not satisfactory. To my mind this is simply common justice. There is a right of appeal under the Physiotherapists Act, under the Dentists Act, and under all other Acts of this type.

The Hon. G. C. MacKinnon: I beg your pardon, but I think you are wrong. I do not think there is a right of appeal under the Physiotherapists Act.

The Hon. R. THOMPSON: If my memory serves me correctly, there is a right of appeal under the Physiotherapists Act. If there is not, it is high time there was a right of appeal, because from time to time boards make honest mistakes. Someone could be deregistered in the future.

The Hon. G. C. MacKinnon: I have just checked and there is no right of appeal.

The Hon. R. THOMPSON: I beg the Minister's pardon; I understood there was a right of appeal. However, there are rights of appeal under most measures that come before us.

I support the legislation although I am not very interested in its application. I think the board has done a reasonable job to this stage, but it is not something to jump up and down about. At least the measure will give people who are aggrieved the right to air their grievances.

In answer to the point raised by Mr. Ferry, after the magistrate hears the board's argument on the reason for deregistering a person, he will then hear the deregistered person's argument and will have the final say. I commend the Bill on that score. It simply gives the right of appeal and nothing else.

THE HON. F. R. H. LAVERY (South Metropolitan) [4.42 p.m.]: Through my own fault, unfortunately I did not hear all the comments made by the Minister for Health when he was speaking to this measure. Also, I did not hear Mr. Claughton's introduction. Whether or not the measure was introduced in the manner to which we have become accustomed, I agree with Mr. Clive Griffiths in that this is completely beside the point. A House of review such as the Legislative Council should never deny a person the right of appeal.

We saw the right of appeal in a Bill which was passed a few days ago. In that case an appeal could not be made in person but had to be made in writing; I refer to appeals in relation to the Egg Marketing Board.

I will accept your guidance on what I am about to say, Mr. Deputy President, and you may call me to order if it is outside the scope of the Bill. I wish to refer to an appeal made to Parliament by two members of the physiotherapy profession. I handled the appeal and I think the year was 1958. With the good help of Dr. Hislop, it was possible to overcome the difficulty by making an amendment to the Act for it to have effect until the 31st December of that year and no longer.

A complication came as a result of the introduction of the Physiotherapists Registration Board. Two men came to this State and could not quite make the period specified in respect of the registration of physiotherapists. In neither case was it the individual's fault. The problem with one was concerned with immigration, and, in the other case, the Government brought the man to this State to do a job for it. Because Parliament accepted the appeal of those two gentlemen today they are competent men who have the opportunity to be registered in this State. I must repeat that Dr. Hislop was most helpful on this matter. The two men are Mr. Jack Johnson, who is head of the paraplegic division at Royal Perth Hospital, and Mr. Tollison, a private physiotherapist.

They are both men who have practised in this State, with great credit to themselves and to the great benefit of a number of patients. We know there was a time after the Chiropractors Act was passed when people who came from Canada and who were qualified in that country attempted to become registered, but they were unable to do so. They had no right of appeal and they were unable to do anything about it. After a great amount of lobbying of members of Parliament—both singly and collectively—they were still unable to put forward an appeal.

I support proposed new section 21A because it provides a right of appeal and I agree with those members who said that a magistrate in a court would make a decision only after receiving expert information from the board and from the persons concerned. I know Mr. Ferry knows that to be true. I would like to mention the fact that two most competent people were able to appeal to Parliament. I was able to introduce a Bill—again, with the help of another member—so that those people could be registered. Before that they were outside the scope of the legislation and could not be registered. I feel there is a benefit in the idea of being able to appeal at some time, somewhere, somehow. I support the proposed new section 21A.

THE HON. J. G. HISLOP (Metropolitan) [4.47 p.m.]: I intend, Sir, to traverse briefly what has happened in regard to the situation leading up to this Bill to amend the Chiropractors Act of 1964. Proposed new section 21A(1) states—

> 21A (1) Whenever the Board—
>
> (a) refuses to register any person as a chiropractor; or

That seems to me to imply that if the board does not want a man to be registered as a chiropractor, it does not have to take him into its arms. Subsection (1) continues—

> (b) causes the name of any person to be struck off the Register of Chiropractors or the Record of Students; or

I feel something must have gone wrong if a person is struck off the register or the record of students. To continue—

> (c) refuses to re-enter in the Register of Chiropractors or the Record of Students the name of any person whose name has previously been withdrawn from or struck off such Register;

I think efforts should be made to try to bring the whole matter into line to produce a proper position. Proposed new subsection (1) continues—

> such person may, in the case where the refusal or striking off by the Board occurred before the commencement of the Chiropractors Act Amendment Act, 1970, within three months after the commencement of that Act but otherwise within three months after the date of the refusal or striking off by the Board, make application in writing to the Board for a statement by the Board in writing, of its reasons for such refusal or striking off, and the Board shall, as soon as reasonably may be after receipt of such application, furnish the applicant with the statement.

I am not quite satisfied with the position concerning deregistration and appeals. I think we should take into account the factors that bring about deregistration. I have been dealing with these men for many years—probably about 60 years now—and I feel this is a break between medical practitioners and chiropractors. When one looks at some hospitals one will find that many of them help young men to be trained in chiropractic. I think this definitely is the way it should be done, because these young men are shaking up the medical profession.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.52 p.m.]: I thank Dr. Hislop and other members who spoke in support of the Bill. I feel I should reply to some of the remarks made by the Minister. He made some rather scathing comments on the question of whether these people earn their livelihood from the practice of chiropractic, and whether they will continue to do so later on.

The Hon. G. C. MacKinnon: My remarks were not scathing. I was simply stating the facts.

The Hon. R. F. CLAUGHTON: That is a matter of opinion, as the Minister stressed the other night. He spoke rather strongly against the statements I made during my second reading speech. If a chiropractor is deregistered and can no longer advertise himself as a chiropractor, I assume that any person seeking the services of a chiropractor will not engage the services of that person; he will go to a person who is registered as a chiropractor. People feel confident in the services provided by one who is registered. Surely this is a matter of importance; a matter affecting the livelihood of a person who is deregistered.

The Hon. G. C. MacKinnon: I agree with you, but this is a different argument to the one you put up in your introductory speech. You said his livelihood was taken away.

The Hon. R. F. CLAUGHTON: It does not matter what a person's occupation is; if he can no longer perform his occupation then, of course, he has to seek his means of livelihood in some other direction. He will seek his means of livelihood in doing what he is best able to do. For instance, a nurse who is no longer able to be registered might possibly take on a job as a home companion in which she can make use of the knowledge she gained during her years of training and her subsequent experience as a nurse. She will no longer hold herself out to be a nurse.

However, once again such a person's opportunity to benefit from her years of training and experience while she was registered would be most restricted. The same situation would apply in the case of a person who practised chiropractic and was then deregistered. He would no longer be able to obtain the benefits flowing from his years of training and experience. Such a person's means of livelihood would be affected although, of course, he could obtain a job doing something else.

The Hon. G. C. MacKinnon: They do not have to take on a job somewhere else. They can carry on.

The Hon. R. F. CLAUGHTON: Such people certainly will not sit down at home and starve. If a registered builder loses his registration, what does he do? He can make an appeal. We have given him the right of appeal because we feel he deserves it.

The Hon. G. C. MacKinnon: Sure.

The Hon. R. F. CLAUGHTON: Was the Minister going to say that he would not lose his means of livelihood? If the person was trained as a carpenter or a bricklayer I assume he would return to his previous occupation; but he has a right of appeal against his deregistration. Why should builders have that right but not chiropractors? Chiropractors train for a considerable number of years. By the institution of the board, they endeavoured to raise the status of their profession.

The Hon. A. F. Griffith: There is no appeal when a member of Parliament loses his job.

The Hon. R. F. CLAUGHTON: I would like to quote a few remarks made by Mr. Dolan when the parent legislation was originally introduced in order to indicate the standing a chiropractor has elsewhere in the world. Perhaps he has not gained the same standing in this State—at least that would appear to be the opinion of some people. At page 1114 of the 1964 *Hansard*, Mr. Dolan, when referring to Canada, had this to say—

> Chiropractors are registered in every Province in that country. In one Province they even have health officers appointed on their qualifications as chiropractors. They are also called as expert witnesses in courts of law —and recognised as such. They may advertise, and bear the title of "doctor." In Canada chiropractors' fees are a deductible allowance from income tax on the same basis as our doctors and dentists' fees are deductible.

I would reiterate that chiropractors, in seeking registration, endeavoured to improve the standing of their profession. I would say it is a matter of importance to them; otherwise why would they want registration without provision for appeal such as is provided in other registration legislation? It is a matter of professional pride and of controlling the training of people entering the profession. Whether or not they practise as chiropractors is a matter of great importance to them.

In the speech to which I referred a moment ago, Mr. Dolan referred to the years of training chiropractors receive. He referred to a certain person who completed a course which involved 4,680 hours of attendance at lectures. That works out to about five years in all and it is not something to be given away lightly.

It is said that these people can practise as osteopaths or naturopaths, but who will look for the services of those types of practitioners when one is in need of the services of a qualified chiropractor?

The Minister has made reference to the grandfather clause, and I will pursue this matter in the Committee stage. I do not understand the Minister's objection to this clause; and he did not seem to raise a rational argument in his opposition to it. He said that from now onwards people will have the right to appeal. I ask: Why make a distinction now? What makes people so much more privileged now, than those people who went before? Why should we discriminate in this way, because both classes of these people have undergone training or have practised for a period of years before the board was established?

The Hon. Clive Griffiths: A different kind of qualification was required then.

The Hon. R. F. CLAUGHTON: Not since the Act came into operation.

The Hon. G. C. MacKinnon: Are you having a private conversation over there? We cannot hear you.

The Hon. R. F. CLAUGHTON: I will pursue this further in the Committee stage. I hope the Bill will reach the Committee stage, because I want to justify the inclusion of the grandfather clause.

The Hon. V. J. Ferry: Before you sit down can you answer my query as to how the magistrate will act in appeal cases?

The Hon. R. F. CLAUGHTON: I thought Mr. Ron Thompson answered that question sufficiently. Obviously the two parties will put forward their evidence. The appellant will present his case in support of his application, and the board will present its case in opposition to the application. The magistrate will then assess the case in the same way as he does any other case that is dealt with by him. There is no need for me to explain that point any further.

Question put and a division taken with the following result:—

Ayes—10

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. R. F. Claughton	Hon. R. Thompson
Hon. Clive Griffiths	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. Dolan *(Teller)*

Noes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. E. D. Brand	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Heitman *(Teller)*

Question thus negatived.

Bill defeated.

STOCK (BRANDS AND MOVEMENT) BILL

Recommittal

Bill recommitted, on motion by The Hon. L. A. Logan (Minister for Local Government), for the further consideration of clauses 5, 16, 30, 46, and 53.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 5: Interpretation—

The Hon. L. A. LOGAN: As the two amendments standing in my name to clause 5 are interrelated, I shall move them at the same time. I move the following amendments—

> Page 3, line 8—Delete the words "a sheep" and substitute the words "sheep or cattle".

Page 3, line 9—Delete the words "the sheep" and substitute the passage "or otherwise identifying, other than by means of a registered brand, the sheep or cattle".

A number of queries were raised in the second reading debate, and I promised I would defer the third reading stage to enable more information to be obtained. After some considerable time the department concerned has come up with some recommendations.

It is necessary to give a brief explanation of the two amendments I have just moved. The meaning of the word "cullmark" has been enlarged so that it may be extended to cattle, and so that the age marks and the flock and herd reference marks may be used by stock owners, in addition to registered brands and breed society marks where appropriate.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 16: Flock markings, etc., for sheep and cattle—

The Hon. L. A. LOGAN: I move the following amendments—

Page 8, line 22—Delete the words "or a" and substitute the passage ", freezebrand or".

Page 8, line 23—Delete the passage "one of the numerals 1 to 9 inclusive" and substitute the words "numeral or numerals".

The amendments here continue the enlargement of the provisions in clause 5, so that there is no restriction on the numerals that may be used as a cullmark, including age mark and flock or herd reference marks.

The Hon. J. DOLAN: I refer to the first amendment and to the substitution of the passage ", freezebrand or." Along with other forms of branding it is a widespread practice to freezebrand stock.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 30: Branding or earmarking cattle and branding horses—

The Hon. L. A. LOGAN: I move an amendment—

Page 15, line 31—Delete the word "Every" and substitute the passage "Subject to subsection (4) of this section, every".

This amendment will overcome the problem raised by Mr. Abbey. By adding a new subsection (4) it will allow stud cattle to be treated similarly to stud sheep; that is, to allow the use of a breed society mark in lieu of the registered brand or registered earmark, so long as the cattle are treated as stud cattle by the owner.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 16—Insert after subclause (3) the following new subclause to stand as subclause (4):—

(4) The proprietor of any stud cattle may, within such time specified in the foregoing provisions of this section for the branding or earmarking of cattle as is appropriate to the particular case, mark the cattle in the prescribed manner with his Breed Society mark, and thereupon no further branding or earmarking of the cattle is required by this Act while the cattle remain on the run or are removed from the run for the purpose of display at an agricultural show or the purpose of sale as registered stud cattle.

This is self explanatory.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 46: Waybill to be made out—

The Hon. J. DOLAN: I move an amendment—

Page 24, line 6—Insert after the word "place" the passage ", except the Midland Junction saleyards,".

I was a little surprised that the Minister did not include an amendment to clause 46 on the notice paper. I had doubts as to whether this clause would operate in relation to the Midland Junction saleyard, so, in order to check on the information which had been supplied to me, I spent some hours at those saleyards. I went along in the company of an experienced person who handles stock, and who sends stock to market.

I am quite satisfied that this provision will not work at the Midland Junction saleyards, and I spent two and a half hours walking from one end of the yards to the other. I will relate my experience from the time I parked my car in the parking area. About 10 or 12 trucks were unloading sheep at one end of the yards, and a train was also unloading sheep alongside the saleyards. Those sheep were going into another pen.

The men who were checking must have been doing so on the score of their experience because I could not see any method being used. It appeared to me that most of them carried a piece of paper and now and then they would write down a few figures. The number must have been registering in their minds. As far as I could see, no attempt was made to count the sheep when they were taken from the trucks.

The Hon. A. F. Griffith: They were counting them, all right.

The Hon. J. DOLAN: I am sure they were, but not counting the way some people would. Another fellow was grading the sheep and running them into three or four different yards. There must have been 20,000 or 30,000 sheep being yarded, but at the same time other sheep were being taken out. I asked one fellow whose sheep were being taken away and I was told that the sheep had been bought the other day. However, nobody was checking those sheep.

We examined some of the lots which were penned and the number of sheep in the pens varied between five and 30. Some of the pens contained a group of five sheep, all of different types.

The Hon. J. Heitman: That would be the discard pen.

The Hon. J. DOLAN: That is possible. We examined the sheep but I could not understand any of the markings.

The Hon. A. F. Griffith: If the honourable member went to a sheep auction and he did not have his hands tied behind his back, he would finish up buying 5,000 sheep.

The Hon. J. DOLAN: I appreciate the Minister's advice, but I always understood it did not matter how much one used one's hands; it was the nod or the wink which counted.

I came away from the saleyards feeling that the proposed system would not work at Midland. It would be necessary to employ about 50 men to check the sheep coming in and those going out.

The Hon. C. R. Abbey: They have to have a pass to get out.

The Hon. J. DOLAN: I did not see anybody checking. I did not only see sheep, but I also saw a number of little pigs. I also saw a number of cars driving out containing little pigs, and I assumed, of course, that those pigs had been purchased.

If the purchaser of sheep is to be held up while the sheep are checked, I can imagine the situation which will develop. The cost of checking will be passed on to the consumer. The middleman will not worry, because he will get his commission.

There are hundreds of saleyards throughout the State and in the larger country centres sale notices are usually posted in the agent's windows. In those country centres there is ample time for anybody to check because the sellers are usually known to the agents, and there would be no difficulty. However, if the Midland Junction saleyards are included in the application of this Act, I think the whole of the legislation will fall by the wayside because of one section. When we pass legislation it must be right in every degree. I feel my amendment is reasonable and will overcome the trouble.

The Hon. L. A. LOGAN: I did not give Mr. Dolan the answer which I had obtained to his query. He had an amendment on the notice paper and I thought it right and proper to let him move the amendment so that I could reply to him. The matter was not overlooked; it was investigated by the officers of my department. I have a note which reads as follows:—

> It will be noted that the amendments do not deal with the question of small lots which was referred to me by Dr. Dunn. Dr. Gardiner informs me that this matter was investigated at metropolitan saleyards by stock officers of his Branch and that in their opinion no practical problem arises in obtaining a satisfactory form of waybill for stock bought in a number of small lots. Agents operating at metropolitan saleyards advised the stock inspectors that the present form of pass-out is in a form easily extended to comply with the waybill provisions of the draft Bill.

I thought I would go outside of the department and get another opinion. The second opinion was almost exactly the same, except that it went a little further. That opinion reads as follows:—

> To have any chance of success all trucks on the roads must carry a waybill. To exempt a section would create problems.
>
> I understand that the problems of small lots and mixed loads out of Midland Junction could be easily handled by accepting as a waybill the agent's delivery note out of yard.

I appreciate that Mr. Dolan went up to the Midland Junction saleyards to see the situation for himself. However, to exempt trucks leaving those saleyards would mean that some trucks on the road would be exempt and others would not be exempt. That would create a problem and it would be much better to leave the provision as it is to see whether a pass-out can be applied to the waybill. Apparently there must be a pass-out somewhere.

We have to bear in mind that when a big sale takes place in the country the stock come in and they all go out again. At Midland Junction a large number of stock come in but only a small number go out. The proposed amendment would mean that the system would apply in some cases and not in others. Once an exemption is granted the value of the Act is lost.

We have gone to a great deal of trouble to get to this stage with the Bill, and many manhours have been spent in trying to reach a reasonable conclusion. Rather than making it weaker, it would be much better, in my opinion, to make sure the Bill has some teeth in it at the beginning. I suggest we should leave the Bill as it is and not agree to Mr. Dolan's amendment.

The Hon. C. R. ABBEY: I appreciate Mr. Dolan's concern but I think the Minister is correct. Before I became a member of this House I used to cart all my own livestock to Midland, and I have had considerable experience with the stockyards. When a farmer or grazier buys sheep, he must go to the agent from whom he bought the sheep and get a pass-out. I have never taken stock out of the saleyards at Midland without having them checked. The pass-out is presented to a man whom one cannot get past, and he counts the sheep. The animals are enumerated on the pass-out. I think the waybill system will fit in very well with this procedure. The committee that was set up by the Minister to examine the proposals would have been aware of this possible difficulty. I am sure the committee would have taken it into account and come to the conclusion that the system would work.

The Hon. S. T. J. THOMPSON: I think the argument has been well covered. Mr. Dolan has paid a tribute to the men who work at Midland Junction. I can assure him that in all the chaos there is order. The sheep are kept in numbered pens, and although it looks chaotic it is quite orderly. I said in my second reading speech that this waybill system was very difficult. We endeavoured to bring it in many years ago but it was never adopted because of the difficulties that were encountered. If it is to have any chance of success at all, there cannot be any exemptions. There must be a waybill for every truck. That is the only answer.

Narrogin and Katanning would have the same problems as Midland Junction, but as long as there is a pass-out I do not think there will be any difficulties. There should not be any hold-up in acceptance and delivery of stock. In the event of a truck driver being stopped he has to produce a waybill. We are pinning the success of the Bill on the fact that every truck driver must have a waybill.

The Hon. J. DOLAN: This is my last word on the matter. The Bill provides that no stock may be removed from a place where stock are sold until the drover or carrier of the stock has been furnished with a waybill which meets the requirements of the section. Every waybill must be made out out in triplicate and indicate the number and type of stock being carried, and the registered brand or earmark, or both, with which the stock are branded. In my opinion, this provision is impossible with the variety of earmarks and brands, and the confusion that results. If the agent abides by this provision, he will be holding up these people who have to get away as quickly as possible. Time is the essence of the contract where capital expenditure is involved.

The Hon. L. A. LOGAN: I appreciate the difficulties which can arise, but my reading of the notes I have indicates that the waybill will contain a proviso that a pass-out will satisfy the requirements, because the pass-out will contain a description of the stock purchased.

The Hon. C. R. ABBEY: The point made by Mr. Dolan about the difficulty in reading some brands is a valid one. Stock are frequently sent to saleyards with brands that are very difficult to read. An education programme is being undertaken. People are being made aware of the fact that if brands are illegible they must rebrand the stock. The solution to the problem is to require that all stock accepted in the saleyards must be legibly branded. That means they must be freshly branded.

The Hon. J. DOLAN: The man who accompanied me was a farmer for 50 years. He could not read the brands on the sheep that we saw. If he could not read them, how can people be trained to read them?

The Hon. C. R. Abbey: Were the sheep freshly branded?

The Hon. J. DOLAN: There were brands in every colour. You name it, it was there!

The Hon. S. T. J. THOMPSON: The brands now include the eartag. The tag with the brand on it is on the ear. One does not look for a woolbrand, one looks for an eartag.

The Hon. J. DOLAN: Not only were the brands poor and the earmarks indistinguishable, but in one pen the sheep were branded in five different colours. One had to try to sort out the colours and the earmarks. I wish the Bill every success, but if it is a success I will believe in miracles.

The Hon. S. T. J. THOMPSON: There is a different colour for each year. This simplifies the marking of sheep and saves a great deal of work. The sheep are simply run through the race. The different colours denote the age of the sheep. An endeavour is being made to standardise the colours so that every farmer is using the same colours to denote the age of the sheep.

The Hon. J. DOLAN: How long would it take to check 250 sheep in a truck in pouring rain, and so on? If a fellow on the road were stopped, what he would say would be nobody's business.

Amendment put and negatived.

Clause put and passed.

Clause 53: Brands not to be altered—

The Hon. L. A. LOGAN: I move an amendment—

> Page 27, line 27—Insert after the word "sheep" the words "and branding the sheep after shearing with his registered brand or from re-branding with his registered brand any sheep on which the woolbrand had become illegible prior to the time of his taking delivery of the sheep".

The reason given to me for this amendment is that the question of identifying sheep on which a woolbrand has been made illegible prior to delivery—as, for instance, by fouling, or on "downer" sheep —is dealt with in the amendment, wherein such animals may be rebranded by the new owner. Fouled sheep may, in fact, often be woolbranded again on some clean part of the fleece or they may have an eartag inserted in the ear. In practice, the new woolbrand or eartag would be the registered brand of the stock agent at the saleyard. In any case, only those fouled sheep in a saleyard which would then be removed outside of the metropolitan area would require this rebranding.

If any of these sheep are in the saleyards they have to be rebranded before they leave. This will make identification easier.

The Hon. J. DOLAN: It is amazing that the committee found out all these things when this matter was referred back to it. The committee was supposed to have worked on this Bill for months. We referred something back to the committee and it came up with all kinds of amendments. The committee presented the substance of a Bill. When the Bill was held up on a certain matter at the third reading, it was sent back to the committee for consideration, and the committee brought up a number of amendments on other matters. I could not praise the committee, despite its experience, when, after working for so long on a Bill, it suggests amendments about matters that were not referred to it.

The Hon. L. A. LOGAN: I think this shows the value of the Legislative Council. This Bill had been passed in another place, and all these amendments resulted from what was said in this Chamber. I think it is fair to say that all these amendments have resulted from what was said by members in this Chamber.

The Hon. R. F. HUTCHISON: I have never wanted to praise the Legislative Council. I came here to get rid of it.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I must ask the honourable member to speak to the amendment before the Chair.

Amendment put and passed.

Clause, as amended, put and passed.

Further Report

Bill again reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with amendments.

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS) BILL

Second Reading

Debate resumed from the 24th November.

THE HON. J. DOLAN (South-East Metropolitan) [5.46 p.m.]: I consider this is an excellent Bill, and it receives my full support as I am sure it will receive the full support of all the people concerned with the amendments which are being introduced.

The Acts to be amended by this Bill are the Superannuation and Family Benefits Act 1938-1970, and also the Superannuation Act of 1871-1969. The latter Act, being passed in 1871, is almost 100 years old, and provision is still made for some who come under the operations of that Act. That being so, it would be interesting to find out who are still superannuated under the 1871 Act. I am sure there would be only one or two.

The Hon. A. F. Griffith: I know one who is and he is a person for whom I have a great deal of respect; that is, my father-in-law.

The Hon. J. DOLAN: Are there any others?

The Hon. A. F. Griffith: There are a few.

The Hon. J. DOLAN: It is good legislation when it covers everybody. I feel that everybody who is affected by this legislation will in one way or another achieve benefit from it. I refer to the people who are superannuated under the three classifications; those in the low income bracket; those in the middle income bracket, and those in the high income bracket. All these people are to receive some benefit under this legislation.

I suppose I can claim to be qualified to speak on the matter, because when the legislation was introduced in 1938 I was one of the first contributors to the fund, and now I am one of the recipients from it. I only hope that perhaps the day will come when the superannuation scheme for members of Parliament will operate as well and give the same benefits to members as this legislation does to the contributors to this fund.

The Hon. L. A. Logan: You want benefits from both, do you?

The Hon. J. DOLAN: If I were to follow the second reading speech of the Minister and tried to deal with every aspect of it members would be here very late. I do not intend to do so because no good purpose would be served by so doing. I feel that any person who is affected by this Bill, or who is concerned with superannuation generally, can obtain any information he wants from various quarters. If he happens to be a teacher he can obtain information from the board or his union as

to how he is affected. If he is a railway employee, or a member of the Public Service he can obtain information from a similar source. So there is no purpose in my going through all the detail.

However, I feel there are some matters to which I can refer. For a start, the operation of the Superannuation Board will be of general interest to members and will assist them to appreciate what a wonderful function the board is performing. The board consists of three members appointed by the Governor. One is elected chairman; one is a representative of the contributors, and the other is a nominee of the Government. He is a member because of his valuable experience and is appointed to provide good balance on the board.

The funds of the Superannuation Board are kept at the Treasury and all investments are administered by the board. One great advantage enjoyed by the fund is that the moneys are not taxed by the State Government. Another important advantage of superannuation, which is of advantage to all those people who take out the maximum number of units to which they are entitled, is being able to apply for non-contributory units. When the 30th June comes around each year those people are entitled to taxation exemptions when filling out their income tax returns. They can claim a deduction from gross income to the extent of $1,200, which is quite a substantial amount.

Every five years the fund must be investigated by the State Government actuary, or by an actuary nominated by the board. No member of the Public Service has ever been compelled to become a contributor to the Superannuation Fund. On asking a number of people whether they were members of the superannuation scheme I was told that they did not belong to it. I do not know the reason for this unless it is that they have sufficient private means to enable them to do without superannuation cover.

Not only is a contributor cared for in various ways under this Bill, but the members of his family will also be well cared for. In fact, the original Act stated that the purpose of the legislation was to provide superannuation benefits for persons permanently employed by the Government of the State, and also to make provision for the families of those persons. Adequate provisions have been made for families, including wives and children. One can appreciate what an excellent Bill this is, for example, when one finds that if a contributor is serving a term of imprisonment for a month or more, or is unfortunate enough to become an inmate of a mental asylum, arrangements are made for payments to be made so that his wife and children will not be disadvantaged.

Each year the contributions to the fund approach the $3,000,000 mark. In the 1968-69 report—the latest available—the amount was $2,719,170. This was due to the increased number of contributors, and also to the increasing amount of contributions because of contributors being paid increased salaries and being able to take out additional units. In 1968-69 the number of contributors was 13,948—approximately 14,000 and the number is rising all the time as the State's population continues to increase, and, in turn, the number of employees in Government service continues to increase.

I receive a cheque from the board fortnightly, and it is always on time. The system now is unlike the old manual system. The cheques are now processed by the State Treasury automatic data processing unit. The board has the right, in its own name, to make investments at various times. I think these investments would be of interest to all members, more particularly to those whom I heard talking on a Bill last night. They were speaking of the benefits enjoyed by local governing bodies as a result of that legislation. I notice that loans granted from the Superannuation Fund to local government bodies amount to $18,767,965.

I think that when members receive advice from the Treasury to say that a certain loan has been approved for such-and-such a local governing body—I get them quite often for certain work—more often than not it is found that the money has been made available through the Superannuation Fund. Some semi-governmental authorities have received loans up to $3,705,088. That is the figure for 1968-69. There is also a list of those industries that have Government guarantees. That list can be found in documents, and it is shown that the industries have been provided with assistance for certain needs. Therefore, money is always being made available from the Superannuation Fund. A short while ago we had a Bill before us which indicated that the Western Australian Tourist Development Authority was being provided with money that was coming from the Superannuation Fund. The State Housing Commission has received a grant from the fund, amounting to $2,760,500, and the Government Employees' Housing Authority has received $990,428.

In addition to investments it has everywhere, the Superannuation Board owns some very valuable property. It has its own Superannuation Building, of course, which is an ornament to the city. That building is valued at $3,589,081. The board has purchased homes for the Government Employees' Housing Authority to the value of $1,102,419. The grand total of the board's investments, and the value of its property is $36,395,481. That is an amazing record for a body that was set up in

1938. In the matter of 32 years, by wise management, the board has been able to amass these huge funds and, at the same time, give untold benefits from the fund to its contributors. The average rate of interest earned from the board's investments at the 30th June, 1969, was 5.72 per cent. Its cash balance is in the account of the Government of Western Australia, so I think its cash would be in a fairly sound account.

As I have stated, this is an excellent Bill. It will extend benefits to members of the superannuation scheme on all salary ranges. Considerable increases have been made in the benefits to be paid to contributors and the benefits to children under 16, and to those children, of course, over 16 who are students continuing with their education.

Those people who come under the Superannuation Act of 1871 will have their pensions updated to bring them into line with the benefits paid under the Superannuation and Family Benefits Act of 1938, under which Act the benefits are updated as from the 1st January, 1970. All pensions will now be on parity. Increases will also be made in the allowances for children who are orphans; that is, orphaned children of contributors.

A joint superannuation committee has given its full support to the Bill, and I think every contributor will also support what is proposed by it. It is very pleasing to be placed in the position, when one has a Bill before the House, of not having to look for weaknesses in it. I think that this measure is one of the most desirable pieces of legislation we have ever had before us.

I think there is an obligation on all bodies and organisations which have members in the fund—whether it be the Railway Officers Union, the Teachers' Union, or the Civil Service Association—to keep their members informed when legislation such as this is introduced. It is most desirable that members should be told the number of units and non-contributory units to which they are entitled and the benefits they can receive.

Before I resume my seat there is a query I wish to put to the Minister. I realise that it might be difficult for him to give me an answer right away—unless of course he can give me one off the cuff—but I would appreciate it if he could let me have the information before the House rises in order that I might pass it on to the individual concerned.

Could the Minister tell me what the position is where an officer elects to take out the maximum unit entitlement—both primary and non-contributory—on a paying basis, and subsequently retires prior to reaching the retiring age—let us say he retires because of ill-health or for some other reason? Is he entitled to a full pension—to both the fund share and the State share—on the full number of units for which he was contributing?

The Hon. L. A. Logan: How many years did he have to go before he reached retiring age?

The Hon. J. DOLAN: Let us say this is a hypothetical case. He may have had another 10 or 15 years. There is no sign of his health deteriorating to the extent that it might make him wish to retire early. I would be grateful if the Minister could give me this information, because the person requesting it is not in a position to obtain that information from any other source.

I support the Bill. I think it is one of the finest measures presented to the House and I congratulate all those responsible for the provisions contained in it.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [6.03 p.m.]: I merely rise to acknowledge the remarks made by Mr. Dolan.

The Hon. W. F. Willesee: You should be overwhelmed.

The Hon. A. F. GRIFFITH: Why should I be overwhelmed?

The Hon. W. F. Willesee: Because of such gratitude.

The Hon. A. F. GRIFFITH: The honourable member has put me off. It is pleasing to have a Bill of this nature accepted in the spirit expressed by Mr. Dolan, and I know that members of the Superannuation Board will also appreciate what the Bill contains.

If Mr. Dolan would write down the details of the hypothetical case to which he referred, I will make the necessary inquiries with a view to seeing what information I can let him have. At the moment I have to draw too much on my imagination. I do not know whether the man is 45 years of age or 50 years of age; but if Mr. Dolan lets me have the details of this hypothetical case I will endeavour to secure the information he requires.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.04 to 7.30 p.m.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Section 1 amended—

The Hon. V. J. FERRY: I am particularly pleased to see that this section is being amended to cater for all those eligible retired people who come under what is known as the Superannuation Act, 1871-1969. I was also particularly pleased

to see, when the Minister introduced the Bill, mention made that what was proposed was an omission when the Superannuation and Family Benefits Act was amended earlier this year. I was even more pleased to see that the Treasurer had given instructions that pensioners' payments were to be made retrospective pending this legislation being passed by Parliament. I understand pensioners have been catered for and I am pleased to know of it.

In company with the Minister, and I think Mr. Dolan, I, too, know of a gentleman who is quite elderly and who comes under this very early Act, which is nearly 100 years old. I am delighted to know that his position is legally covered. It is a particularly good Act and I am pleased to support the Bill.

Clause put and passed.

Clause 15 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

ALUMINA REFINERY (BUNBURY) AGREEMENT BILL

Second Reading

Debate resumed from the 24th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.35 p.m.]: Quite possibly I could just say "Yes" to this Bill and sit down—

The Hon. V. J. Ferry: A good idea.

The Hon. W. F. WILLESEE: —but it would be expected of me to say something of my ideas in regard to it. When we talk of an expenditure in the nature of $200,000,000 in one area of the State, and having in mind the fact that the Government of the day is in a position to introduce such legislation, one must, in my view, support it.

Over the years we have had a problem in regard to Collie but by this agreement, which is subject to ratification by Parliament, we are given an opportunity to give this town a new lease of life. Therefore, I do not intend to delay the situation. The contents of the agreement are completely similar to those of other agreements which have been placed before this House over the years. In my opinion if there is one thing more than another that could be said in favour of the legislation it is the fact that it gives an opportunity to develop an area of the State which up to now has missed out.

We seem to accept the fact that there will be continuing development of the north-west. We expect that that development will follow on and there will be one agreement after another. However, when we move into the south-west to set up a big industry it is a great thing. It is particularly gratifying that we have before us an agreement which involves such a great expenditure and the employment of so many people in that part of the State. It is a project that will be of great assistance to all the towns which will come within the operations of this industry, and it will give the people of that area a much happier future than they had in the past.

Side by side with development, of course, we have the problem of the cost of such development; but I come down on the side of development in this instance. It could easily be that in a few years from now, because of some different circumstance, the contents of this agreement may not be necessary. Therefore, we must accept the opportunity and take advantage of it to do everything we can for Western Australia. I say no more than that I believe in the agreement. I think it is a great thing for this part of the State, and I wish it every success. I hope that in my lifetime I will see the companies concerned achieve what is promised by way of the agreement.

THE HON. I. G. MEDCALF (Metropolitan) [7.41 p.m.]: I, too, support the Bill. I believe the agreement, generally speaking, must be considered in line with the other developmental agreements which have been executed between the Government and various groups of private enterprise which are developing our resources in various areas of the State. We are indeed fortunate to have such a rich State, and time is proving just how rich it is. I am sure that as time goes by it will be proved that we have many more resources as yet untapped lying below the surface of the ground.

In my view we have an obligation to use to the best advantage the resources which have been given to us as inheritors of this State. I am sure that as one agreement has led to another the standards adopted by the State have improved on each occasion; in other words, what I am saying is that I believe the State is negotiating now from a position of strength whereas perhaps, originally, when we first started out as a State on this business of negotiating with big companies, we were not able to negotiate from a position of strength.

In the first place, I do not believe that in the early days of the agreements we had the necessary expertise in this State. Undoubtedly over the years we have developed that expertise and we now have very skilled negotiators acting on behalf

of the Government of Western Australia who can, in my view, get the best deal for the people of this State. I do not have any doubts about that or about the bargain which is being struck by the State.

This agreement, which forms the main part of the Bill, is simply a contract or a bargain between the State of Western Australia on the one hand, and various private companies on the other. I do not doubt that there has been some hard bargaining and hard negotiating behind scenes. Obviously there has been give and take on both sides.

I do not wish to comment on the details of that because I am confident the Government has amply represented the interests of the State in this respect. I would also say that so far as the other party is concerned—that is, the developing party, Alwest Pty. Limited—I am sure it, with the big companies behind it, and the expertise which they have, is not negotiating from a position of weakness, either. This, of course, always produces the best form of agreement—when both parties are strong they are both able and they both know what the main elements of the agreement are. They know what they are looking for and, by a process of give and take, they secure a workable agreement which will, if the resources prove to be what it is hoped they are, stand on its own feet and produce a viable industry. So far as that is concerned, I have no worries or fears.

I wish to raise only one point. Compared with the magnitude of the agreement perhaps it may be considered to be a minor matter. Nevertheless it is important. I refer to the question of fauna and flora in the Dryandra State Forest. I am speaking from a position of weakness. In view of the fact that the Bill was introduced at approximately quarter to eleven last night I must confess that my knowledge of this State forest is not as great as it ought to be.

It may be referred to by number in the agreement, but I have not been able to find a reference to it. I believe the reference to Dryandra State Forest, which includes State forests Nos. 51, 52, and 53, is probably included in one of the references to temporary reserves which are mentioned in clause 3 (c) of the agreement. I may be right or wrong in that because, as I say, I have not had the opportunity to undertake the necessary research to see whether it is correct. Doubtless the Minister will correct me if I am wrong.

I must confess I will be quoting only hearsay, because I will quote what I have read in the Press and have been told in the last 24 hours. However, I understand that perhaps half of the Dryandra State Forest may be included in one of the temporary reserves referred to in clause 3 (c).

If I am correct in my surmise there are in this State forest several features of surpassing interest to the people of the State. I refer particularly to natural features in the form of timber, fauna and flora—the birds and animals which inhabit that area. I believe the area is approximately between Narrogin and Wandering, or at least in that vicinity. Geologically it consists largely of granite and rocky outcrops of ironstone origin with breakaways. Generally speaking, I understand the country is not considered suitable for farming purposes. It contains various kinds of poisons which were originally in all the farming lands surrounding this area but which have been strenuously and properly eradicated by farmers so that their stock would not be endangered. Poisons still exist in the Dryandra State Forest.

The main types of timber indigenous to the area are, I understand, wandoo, or white gum, brown mallet, powder bark wandoo, marri. These timbers are diminishing in quantity and, indeed, in quality as a result of the natural development of the State chiefly by way of farming over the years. Many stands of white gum or wandoo have been cleared and are now valuable pastures. In the Dryandra State Forest there still remains a diminishing area, at any rate, of this type of timber.

In addition, there are in that area a large number of different species of birds. I understand that 75 species have been tabulated as existing in the Dryandra State Forest. The species include the mallee fowl, which, with a number of other species, are rapidly nearing extinction.

The Hon. W. F. Willesee: Do you think we should reject the agreement?

The Hon. I. G. MEDCALF: Have I indicated that?

The Hon. W. F. Willesee: You are going about it in a very obvious way.

The Hon. I. G. MEDCALF: The answer to the question asked by the Leader of the Opposition is "No." I thought I made it clear that I support the Bill and the agreement. Perhaps the Leader of the Opposition was not listening.

The Hon. W. F. Willesee: I am listening intently to everything you are saying. However, why you are going on, I cannot make out.

The Hon. I. G. MEDCALF: I understand freedom of speech still operates in this House.

The Hon. A. F. Griffith: It is freer at times than at other times.

The DEPUTY PRESIDENT: Order!

The Hon. I. G. MEDCALF: As I have indicated, there are no fewer than 75 species of birds including the mallee fowl in this State forest. In addition, there are no fewer than 10 species of marsupials,

including an animal which is rapidly becoming extinct. I refer to the animal known as the numbat or the banded ant-eater. I know it may not be of great interest to some members of Parliament whether or not we have mallee fowl or banded ant-eaters in the State.

The Hon. F. D. Willmott: The eggs are good to eat.

The Hon. I. G. MEDCALF: Nevertheless, it is important that we should adopt the principle that, so far as possible, we should not disturb these creatures. If they are becoming extinct we should see that we do everything possible to preserve them when we can.

I know that with development certain species of birds and animals must become extinct. Development proves that. I still believe, however, that it is possible to strike a balance and this should be done wherever possible. In case anyone has any doubts about striking a balance, I suggest he should consider the example of Barrow Island where the company which has been developing there appointed a conservationist—I think it was Harry Butler.

The Hon. G. C. MacKinnon: Yes.

The Hon. I. G. MEDCALF: This man was appointed to the company's staff and the company has acted on the advice he has given. Mr. Butler has been there for weeks and weeks and, as a result of his activities and the fact that the company has taken some notice, various species of fauna have, in fact, begun to increase on the island. This is considered quite a notable achievement.

I hope and believe that this could also happen in the area under discussion. Last night I heard the Minister mention that there is to be a conservationist on the staff of the company.

The Hon. A. F. Griffith: There is.

The Hon. I. G. MEDCALF: I also heard the Minister say that the company proposes to do whatever it can to ensure that principles of conservation are adopted. I was very pleased to hear this and I hope the State will keep a continuing interest in this matter. I hope periodical checks will be made and reports prepared on the preservation, so far as is possible, of extremely rare and interesting species of animals and birds which exist in the Dryandra State Forest. I believe this would be the wish of all members in this House and I hope and trust the Minister will indicate that this will come to pass.

In all respects, I support the agreement and the Bill. As I have said, I believe it is worth while and it will undoubtedly promote more prosperity in the area concerned. I simply add that I hope my small request will be carefully watched by the Government.

THE HON. J. DOLAN (South-East Metropolitan) [7.54 p.m.]: I want to support the remarks made by Mr. Medcalf. I am fearful of what might happen to the particular area referred to; namely, the Dryandra State Forest.

To let the House know the details of it, the official record is entitled "Dryandra State Forest No. 51." The area is given as 39,458 acres. This was set aside in 1934 because of the value of the area for mallet. These are trees which are valuable for the production of tannin which, of course, is an extremely valuable product. In 1935 the Highbury and Montague State Forests, each of about 8,000 acres, were dedicated. All three are joined under the title of the Dryandra State Forest.

The forest has a rainfall of 20 inches. One might say that there are two seasons —a cool wet winter and a dry hot summer. I will quote a statement by Vincent Serventy who said about Dryandra—

> In its 50,000 acres, life has progressed for hundreds of millions of years but not entirely undisturbed, since plants and animals have come and gone again. It is a great natural wildlife laboratory.

I have had the pleasure of being in the company of Vincent Serventy and seeing him in operation in the field. If members really want to appreciate naturalists there is nothing like going with one to see him in operation and to see how dedicated he is.

It is a fact that one can see wildlife better by sitting down and letting wildlife go past than by going to look for it. I remember watching him in the Abrolhos over 20 years ago trying to take a photograph of the bosun bird. Everybody knows that it is a beautiful white bird with a long red feather which sticks out. There was one nesting near where we camped. Mr. Serventy wanted to take a photograph for a thesis he was writing on mutton birds and birdlife generally in the Abrolhos. He erected a tent where he had his cameras with which he would take the photographs. He used to sit there for hours waiting for the bird to return and get into position. Eventually he managed to get a couple of excellent photographs.

To talk with this man is a wonderful experience and he has written a book, which can be recommended to anybody. It is called *Dryandra* and it is the story of a Western Australian forest. This is the forest about which Mr. Medcalf spoke and about which I intend to speak.

What do we find in the forest which is linked up completely with the agreement and the operations of the mining company? When these companies start to operate they will use bulldozers to get out the soil containing the bauxite. It is not possible to run these machines without disturbing natural wildlife and, of course, flora. Consequently, both will suffer. I will give

an example later on to show that they have suffered and will continue to suffer in spite of all that is said about conservation or anything else of that nature.

I have been to Barrow Island and there is quite a distinct difference. Because it is an island, it can be kept apart from operations of machines which we might find on the mainland. Of course, there are drilling machines but the wildlife on the island would not be disturbed to the same extent as fauna and flora in the State forests.

Let us have a look at some of the fauna we are talking about. I will mention only some of the animals and birds to be found in the Dryandra State Forest. I have heard naturalists say that probably in no other area in Australia would one find so many different species of fauna, flora, reptiles, and birds as in the Dryandra State Forest. We find the ordinary possum, the grey kangaroo, and the quenda, which is another name for the short-nosed bandicoot, and it looks like a little pig. There is the native cat, the brush wallaby, and the echidna, which is one of the most remarkable animals I suppose the world has ever known. It is in the same class as the *ornithorhyncus*—or what we generally call the platypus. These two are the only egg-laying mammals in the world. They lay eggs, hatch them, and suckle their young. They are most amazing animals, yet there is a possibility that they may be lost. While there is such a possibility, I feel we have a right to demand that our heritage be guarded. We have a right to do that, and that is what I intend to do. In addition, there are woilies, which are like little rat kangaroos in so far as they are pouch-bearing. Also there are foxes and wambengers. Another name for wambengers is numbats. Wambengers are, in fact, a type of numbat. They are of two types. One is red tailed and is found only in the south-west of Western Australia. It is found in no other part of Australia. The black-tailed ones are quite common and are found in nearly all parts of Australia. Another type of animal is called the dunnart. I have only mentioned some.

The Hon. L. A. Logan: Do you know of the Boyup Brook tiger?

The Hon. J. DOLAN: Let us now look at some of the flora; that is, the trees, shrubs, and flowers. Once they are gone they will probably never be found anywhere else. Of course, blackboys are common, but we also find native pears, native peaches, native plums, wild grapes, and wild tomatoes. As far as timber is concerned, we find wandoo, mallet, hakea, bottle brush, karri, salmon gum, mallee, marri—which is coming into use for various purposes nowadays—mistletoe, zamia palms, and the ordinary Christmas tree. By the way, I have a grandson who, when he was three, was able to tell me the naturalists' name for a Christmas tree. He still does so, and I dare not say, "That is a Christmas tree" because he always corrects me, "It is a *nuytsia floribunda*." Dryandras are also found in the area, and I think members would have seen this shrub when we visited the wildlife sanctuary just out from Pingelly. Dryandras may be called the layman's banksia, and they have a beautiful orange flowering head. It is from this plant that the forest has taken its name.

We also find plenty of kangaroo paws, and a marvellous little plant called the trigger plant which goes off for all the world like a pop gun when it traps insects. Orchids of all kinds are included, and also boronia, and the centaury plant.

I turn now to birds, and I am not referring to the Hay Street type, but rather to the Dryandra Forest type. First of all, we find the mallee fowl, which can teach us much about heat and cold, and so on. After those fowls build their wonderful nests and lay their eggs they return to the nests at regular intervals to see whether the eggs are incubating too quickly or too slowly. If the incubation is too slow they place another blanket of leaves over the eggs in order to raise the temperature a little. If the incubation is proceeding too quickly they take off some of the blankets of leaves. These birds have such wonderful instincts they can tell what is needed. I often think I would like to have the instincts of a mallee fowl in the summertime so that I would be able to determine whether to put on a blanket or to take one off.

We also find pallid cuckoos, magpies, ravens, mistletoe birds, silver-eyes, wagtails, bronzewings, kookaburras, cuckoo shrikes, twenty-eights, that old squeaker we always hear in the forest, thornbills, rosellas, red-winged wrens, grey butcher birds, pardalotes, banded plovers, frogmouths, yellow robins, pipits, boobook, owls, and, of course, eagles. In other words, almost every bird one could name will be found in that forest.

The Hon. S. T. J. Thompson: You missed the curlew.

The Hon. J. DOLAN: I thought I was bound to miss one, and that the honourable member would pick it up. Of course, many reptiles are found in the forest such as the gecko—the barking lizard—and the old mountain devil. I remember catching mountain devils many a time as a child and they are wonderful little things.

I do not want to labour the point, but I think the concluding paragraph by Vincent Serventy is well worth mentioning. He said—

> In a piece of untouched bushland, cut off from the burden of a sophisticated civilisation, we can find that refreshment of spirit that only the wilds of nature can offer.

We must, before it is too late the world over, see that places like Dryandra are kept for this vital purpose.

Vincent Serventy's book is regarded as a classic, and he is even placed in the same class as that world-famous naturalist, Thoreau. He is placed in that class because of his wonderful contribution to nature literature. He did not spend merely an occasional period in this forest, but he spent many periods of long duration over a period of years, season after season, so that he knows what is going on there.

This is a heritage which has been given to us and we, as parliamentarians, should ensure its preservation, and ensure that it is kept under the notice of those people who will work there. I have said before that if we can strike a balance between nature and industry, and protect those things which probably can never be replaced, it is our duty to do so.

It was most disturbing to me to read in the Press this morning that the Forests Department was not told about the lease of this forest. It seems to me to be amazing that that could happen. Evidently, it did happen because the people of the Forests Department have said so, and they know their business. They are worried; and if naturalists, foresters, and the like are worried about what will happen, what are the feelings of ordinary laymen like myself? We must feel that this can happen.

Has it already happened? Let us see what happened when the previous company, Alcoa, operated in this particular field. The latest report of the Forests Department of Western Australia—the 1970 annual report—contains some most alarming facts. One article is headed, "Mining in State Forests," and the photograph below the heading shows an area of what looks like desolate countryside. The caption below the photograph states—

> Mining for bauxite in State Forest near Jarrahdale. Since 1965 some 1,200 acres (486 ha.) of jarrah forest have been cleared but only about 300 acres (121 ha.) actually mined.

The company has completely cleared the area—and the photograph is in the report to prove it—in order to mine 300 acres. The result is absolutely desolate earth; not a tree of any kind on 1,200 acres. This is what the article had to say about it—

> The current level of mining activity in forest areas is of major concern. The over-riding powers of the Mining Act in respect of State Forests and timber reserves which date from the early days of gold mining coupled with the marked increase of mining activity, has given rise to the greatest threat the forest estate has experienced.

That was not written by an irresponsible person. That was written by the officers of the Forests Department—the experts who really know the position and who do not submit reports to their Minister that are not absolutely true. The report goes on to state—

> The position changes daily as new claims come to hand and the recording and plotting is completed. As at the 16th March, 1970, the position was as follows—
>
> Area of State forest and timber reserves located in the south-west of the State—4,635,643 acres (1,876,045 ha.).
>
> Area under mineral lease—Approx. 1,650,000 acres (667,755 ha.).
>
> Area under mineral claims—Approx. 132,000 acres (53,420 ha.).
>
> Area under temporary reserves—Approx. 734,000 acres (297,050 ha.).
>
> It is readily seen that more than half the area of State Forest is subject to some form of mining claim or tenement.
>
> The Forests Department has always supported the multiple use concept with relation to forest land and apart from normal forest produce aspects, has given attention to the needs of the Water Supply authorities,—

Of course, these authorities wish the forests to be retained in the interests of the purity of our water supplies. To continue—

> —the naturalist, the tourist and the public recreational requirements.

I feel that in those respect the Forests Department has always been more than reasonable. It is prepared to work in with all those people to ensure that we achieve the balance for which we are looking. The report continues—

> Throughout the 52 years of forest management under the Forests Act of 1918, mining has been practised at Collie for coal and there has been intermittent activity at the Greenbushes tin field. Interest in mineral sands mining on the coastal strip in the past 20 years has been followed by the large scale operations for bauxite in the prime jarrah forests. At the present time, interest is being shown in a wide variety of minerals.

That is where the exploration is taking place. It is not taking place in some out of the way area where it would not do much damage; it is taking place in our prime jarrah forests which are also our heritage. These are forests the like of which is not to be found anywhere else in the world. Jarrah is one of the most wonderful timbers in the world, for whatever purpose it is likely to be used. The report continues—

> When the bauxite operations were first proposed, it was predicted that this would result in a loss of 35 acres (14 ha.) of forest per annum.

These things are always anticipated. We sign agreements and certain happenings are anticipated. In this case it was anticipated that 35 acres of forest would be used each year. However, the report continues—

> In 10 years the Jarrahdale mining has grown to 300 acres (121 ha.) per annum and Pinjarra will have greater demands.

That is nearly nine times the quantity that was originally anticipated. I will continue reading the report—

> The established operations and the possibility of further major extensions must be viewed in the light of the State's current and future timber needs.

In other words, we must look at it from the point of view of the needs of the State so far as timber is concerned, and not from the point of view of the suppliers of bauxite, alumina, or anything else. We have certain forest needs and we want to know whether they are being protected as they should be protected. The report continues—

> State forests have been afforded protection for over half a century by requiring a resolution of both Houses of Parliament before the dedication can be revoked and the land directed to any other purposes. It is desirable that similar protection be given to areas proposed for open cut mining. The over-riding provisions of the Mining Act which still apply, were drawn up in the days of deep mining for rare minerals.

The concluding paragraph states—

> Action is being taken to oppose the establishment of further mining operations.

We want to know what that action is, and how effective it is likely to be in view of the experience we have had of the company which has operated under almost identical conditions. The report continues—

> Apart from the loss of forest estate through mining, an annual average of 1,000 acres (405 ha.) has been rendered unproductive over the last 20 years by necessary public requirements for such uses as power-line clearing—

Another wonderful conservation group! To continue—

> —water reservoirs and roads. Western Australia has only 0.7 per cent. of its area set aside for production of its forest resource and there is little prospect of increasing this within the zone which receives suitable rainfall for forest establishment. Further erosion of prime forest by mining operations should not be undertaken without critical appraisal of all the factors involved in each case.

The department is worried; so am I and all the people who feel we have a heritage which must be protected. I think the position is such that it is almost impossible for me to speak with two tongues and to say that I support the agreement. We are in the position that once the agreement is presented in this House it must be accepted. I think we have the privilege and the right to offer what we consider are fairly strong objections to the acts which are proposed. I suggest that this forest area, which is still full of fauna and flora, is worthy of protection because it is greatly needed. A blanket should be placed upon it so that it may not be touched and so that every protection can be given to all the things we feel should be retained for all time.

Whilst I honestly say I cannot support that particular portion of the Bill, I can certainly say that I hope the company is successful. The industry will mean a great deal to the area and to the whole of the State.

The company concerned should always keep in mind that we in Parliament feel very deeply about these matters. We think that some areas should be preserved for all time, and we hope that the company will opt out of those areas voluntarily. It has been said that the supply of bauxite ore will last for a long time; that being the case why not work the areas as far out as possible, and leave the areas which should be preserved?

The Hon. A. F. Griffith: You are creating the impression in my mind that you are saying the company and the Government will not be doing the right thing.

The Hon. J. DOLAN: I have no reason to think the company is not a worth-while company or the Government is not a worth-while Government; but we have had the experience of the operations of one company, and nobody agrees that its results in conservation have been worth while.

Before I resume my seat I will refer to some remarks that have been made; that it is possible to reafforest the areas after they have been mined. There is a photograph in this forestry report which shows what has been achieved in some of the areas that have been mined by the Alcoa company. The forest is shown in the photograph in the background, and the mined area in the foreground. Trees have been planted in the mined area, but as soon as they are high enough to be affected by the wind they are blown over because there is nothing for the trees to grip onto —whether they be gum trees or pine trees.

In certain areas the forests are more important to the State than is the mining of bauxite. I have nothing against the development of the mining of bauxite in areas which are not affected, but I do object to supporting an agreement under

which it is possible for these mining operations to take place in areas which should be preserved.

Promises to protect certain areas have been made by companies in the past, but they have not done so. In this case the company is a progressive one, and although it may not now intend to carry on mining operations in areas which should be preserved it may do so in the future. Because of that I have my doubts about the proposal before us. For that reason I cannot support the Bill.

THE HON. N. McNEILL (Lower West) [8.18 p.m.]: I do support the Bill. If I might make a short reference to some of the comments made by Mr. Dolan, I refer firstly to the fact that he has specified a particular part of the State forests, with special reference to the Dryandra area. So far as I am concerned, the other State forests are just as much a part of our heritage as is the Dryandra State Forest. The State forests commence at the western end of the area in what is, in effect the edge of the Darling Scarp, and extend right across the hills to Dryandra which is on the eastern side. Generally speaking, all the forests within this area come within the description applied by Mr. Dolan.

Not only are the jarrah, the mallet, the marri, and the other trees found in that area in considerable numbers, but this country is the same country in which bauxite is found. Obviously there is a need—to use the words in the concluding paragraph of the annual report of the Conservator of Forests—for a critical appraisal or examination to be made of these proposals. I think we take it for granted that such critical analysis and such an examination have been made, and that a decision has been arrived at.

I would not dispute the role of the Government, because the Government has to make the decision. When we refer to the Government let us not forget that we are also referring to that part of the Government which is the Forests Department, administered by the conservator who is responsible for presenting annual reports to this Parliament. So, I have some difficulty in reconciling the views that have been expressed.

I pass from that for a moment, but I shall return to it a little later to deal with the matter at some length, because it has proved to be perplexing to a number of people who have tried to reconcile the views that have been expressed publicly from within Government circles, as a result of comments made on the actions of the Government in arriving at an agreement with the company.

One could say that Mr. Dolan would rather have the retention of this jarrah forest heritage than the development of the bauxite deposits or the production of alumina.

The Hon. J. Dolan: In that area. I do not mind bauxite being mined in other areas.

The Hon. N. McNEILL: That is why I indicated that the Dryandra Forest is only a portion—and it is by no means the most valuable portion—of our State forests. There are very many other areas of the State forests which are equally valuable, and they also happen to be in areas which coincide with the highest grade and the richest deposits of bauxite.

So I come back to the point that somebody has to make the decision as to whether our reserves of bauxite which exist in such vast quantities shall be used for the benefit of Western Australia and its people. Surely this is a matter which has to be looked at critically. I cast my mind back to the days not so many years ago, when I was just an inhabitant of this area. I think of the days when the Pinjarra Shire appointed an industrial subcommittee for the purpose of promoting some sort of industry; when the Waroona Shire did the same thing, and I happened to be the president of the convening group; and when the Harvey Shire in conjunction with departmental officers and other people tried to promote some forms of industrial activity to stimulate the growth, the development, and the population of the area, and at the same time to make for improved conditions.

In those years the announcement of a $200,000,000 project by the company, the subject of the agreement before us, would have been of tremendous significance in Australia-wide terms; but at this stage of our development it happens to be just another industry to be established in Western Australia.

If we look at the area south of Pinjarra we find that two alumina refineries are to be built, and there is the possibility at some stage in the future of an aluminium smelter being established, as well as other projects ancillary to these developments. This is the outcome of a great deal of thinking and perseverance on the part of many people.

Some people say that such development is to benefit only big business. I would point out that in this case it is a company completely Australian-owned. Its activities will not only benefit the Australian shareholders, but more particularly it will bring great benefits to the people of the State as well as the people of the area. When I see the development in recent years, as a result of such stimulus, in my own and in neighbouring towns I do not hear anyone regretting it. Improved employment opportunities and an increased standard of living have resulted from such development.

Let me relate this to Bunbury which, in all likelihood, is where the refinery will be established. I know I have said this on

another occasion in association with the development of the Bunbury Harbour: This harbour will do more for practical regional development, decentralisation, and consolidation than anything else that has happended or might happen in this region. The development of this harbour over the last year or two has had the effect of turning the traffic—particularly from the northern districts in the Waroona-Pinjarra area—from its previous northern direction back towards Bunbury. This development is doing the very thing which Governments and some people have been trying to achieve by other less successful methods. The present harbour development will provide a stimulus to even greater and more successful use of that facility. In my view this is one of our resources, and this is our heritage.

A couple of days ago I read that it was advocated at a conference in Bunbury that the harbour development now taking place was put forward in the beginning of this century, and maybe before then, by certain people who claimed to have expert knowledge. So what is happening there is simply an outcome of the views that were put forward at that time. Surely this is one of the assets which must be protected and made use of.

I turn to something on a different track altogether. I refer to some developments which are associated with the establishment of the refinery and the extension of the harbour facilities; that is, the proposal to upgrade the railway line from Worsley to Bunbury—and possibly also the line to Collie—and the railway facilities in the Bunbury area itself. I use this opportunity to again point to the fact that I hope a decision will be made in the near future that Picton will become the site for the marshalling yards of that area; that the present railway facilities at Bunbury for handling the dead end of the railway traffic in that town will eventually, and not in the far distant future, be replaced by marshalling yards sited at Picton. This would provide an opportunity to develop a far better site to handle the railway facilities of that region, by taking them out of almost the centre of Bunbury itself which, from all indications, will grow into a very large town. I hope that this further industrial activity will provide the necessary stimulus for such a decision to be made, and thus co-ordinate the new marshalling yards with the spur lines which have already been constructed from near Picton siding to the power station and the new harbour development.

In the development of a great industry like this one—and Bunbury is not unaccustomed to what are referred to in some circles as objectionable industries by virtue of their effect—we should be concerned with the possibility of pollution and associated types of nuisances. Let me say that for a great many years the biggest industry in the Bunbury area was the fertiliser industry.

I think anybody who might live in the vicinity of the province represented by Mrs. Hutchison would agree that a fertiliser plant does not contribute to the aesthetic value of the region. That has been the case in Bunbury for a great many years but the fertiliser works have been Bunbury's biggest industry. Then, of course, there is the development of Laporte which was—and still is—causing concern and some irritation. Once again this industry serves a very valuable purpose in bringing to this State, and to the south-west, a major industry offering job opportunities for the population in the region. I believe the industry has been worth while. Due note has to be taken of the price we have to pay for this type of development.

Appropriate steps should be taken, as they have been taken and will continue to be taken with regard to Laporte, to ensure that the alumina refinery, as it becomes established, does not become a matter of more concern. I understand that the people in the region, generally, are very enthusiastic about this development but, nevertheless, it will be of concern to some people. There is the possibility of pollution and Mr. Dolan recalled the difficulties he experienced in his province with the development of Alcoa at Kwinana.

The Hon. J. Dolan: I must correct the honourable member; that is not in my province.

The Hon. N. McNEILL: That is right; the problem was mentioned by Mr. Lavery. However, I think I can recall Mr. Dolan paying a compliment to the company for the steps it had taken to correct what was an irritant in the area. That was the recollection I had in mind, and the reason I mentioned it. The agreement which is now before us involves the question of red mud. I note that it will be necessary to set aside some 6,000 acres for the disposal of the red mud. It must be borne in mind that adequate steps have been taken at Pinjarra, and it is a statutory requirement that similar steps be taken to avoid any pollution. Checks will be taken to ensure that no pollution from the red mud will find its way into the Preston River or any other subterranean water source in the locality.

I mention the fact, and remind members, that the site for the disposal of the red mud—wherever it may be—will be subject to later development and reclamation and used for industrial purposes. That brings me to the point of the concern felt for underground water supplies. There could be great concern regarding the use of subterranean water. The agreement makes provision for the supply of 1,500,000

gallons of water a day from the Wellington Dam. That supply is to be supplemented from subterranean sources. The agreement also provides that the Government may step in, at any time, and stop the use of the subterranean water. The Government will be able to set a limit on its use by the company, and it will be able to reduce the limit if necessary. The Government can even take complete control of the subterranean water if the occasion arises and make it available to the company at an agreed price. So safeguards are written into the agreement.

I was rather concerned, as was Mr. Dolan, to read in the Press of the views which have been expressed by certain people regarding the areas which will be mined for bauxite. The views which have been expressed are concerned with the forests, and I will refer to a statement which appeared in *The West Australian* on Monday, the 23rd November. A representative of the W.A. Division of the Australian Institute of Foresters, Mr. Sprengel, referred to the fact that the Alwest claim included water catchment areas. I will quote part of the Press article as follows:—

> I would like to feel confident that the Government would restrain activity in these areas, but what with the expansion of Alcoa and the Alwest tonnages quoted, I have fears.
>
> It seems that legislation is not strong enough to allow the department control.

I just mention the fact that in relation to the water catchment area—which is covered by clause 7 of the agreement—I believe there is adequate safeguard. I will quote from subclause (3) of clause 7 as follows:—

> (3) If the mineral lease granted pursuant to sub-clause (1) of this Clause or any mineral lease or private land as contemplated by sub-clause (8) of this Clause includes all or any part of the land coloured in red on the plan marked "A", such land being part of the Helena River and Collie River catchment areas, the Company, notwithstanding the existence of the particular lease, shall not mine or make any use whatsoever of such land until the State has notified the Company in writing that it approves of the Company mining or otherwise making use of the land and then only to the extent and subject to any conditions indicated in that approval.

That, to me, does not necessarily give the company any exclusive or automatic right to mining in those particular water catchment areas.

The Hon. A. F. Griffith: It retains control for the State, absolutely.

The Hon. N. McNEILL: Referring again to the Press article, similar views to those quoted by Mr. Dolan from the Forests Department report have been expressed. This is one matter which gives me some reason to express doubt, and I know this is the thought of a great many people. The Press article continues—

> The institute has long considered that bauxite mining is making serious inroads into the State's timber resources. This is a situation that has existed for some time now, and the new Alwest project only magnifies it further, putting a much bigger proportion of the State forest in jeopardy.
>
> Mr Sprengel said that the Government's reforestation conditions could not adequately protect the timber industry.

The reason for my having some element of doubt and confusion on this matter is because it appears to me that clause 12 of the agreement, on pages 28 and 29, dealing with the access to forests, shows that the conservator has certain powers. I quote from page 29 of the agreement as follows:—

> (8) As may reasonably be required by the Conservator, the Company shall from time to time and at its own expense take adequate measures—
>
> (i) for the progressive restoration and re-afforestation of the forest destroyed;
>
> (ii) for the prevention of soil erosion;
>
> (iii) for the prevention of the formation of deep water pools and other dangers to persons who may use the forest areas,

It seems to me that it is completely within the power of the conservator to make such conditions as he thinks necessary.

The Hon. J. Dolan: One cannot make hair grow on a bald head.

The Hon. N. McNEILL: It can be done these days.

The Hon. J. Dolan: Yes, one can wear a wig.

The Hon. N. McNEILL: I am endeavouring to point out that the agreement contains powers which, apparently, have not been acknowledged by Mr. Sprengel. The conservator has power to make such conditions as he thinks necessary. There is also a reference in clause 12—which has a side notation "Access to Forests"—which would have application to the interjection made by Mr. Dolan. Subclause (2) reads as follows:—

> (2) The Company will subject as is hereinafter provided from time to time, give to the Conservator of Forests on behalf of the State at least six (6) months prior notice of its intention

> to enter upon any area of State forest or Crown land to be specified in the notice and to cut and remove from the area forest produce and overburden for the purposes of the Company's operations under this Agreement and the Conservator unless he has good and sufficient reason to the contrary shall grant to the Company any permit or license necessary for those purposes subject to usual or proper conditions.

I refer to that once again because I believe the conservator has every opportunity to advance reasons and conditions as to why mining may not be carried out in any particular area. I believe he would have ample opportunity, under the provisions contained in the agreement, to protect the Dryandra or any other portion of prime forest area which he believes, in the terms of this agreement, should be best protected against the incursion of mining development.

Having said that I wonder, in fact, whether that particular portion of the agreement might be worded a little differently. The present wording could lead to some doubt and confusion in the minds of people who are very genuinely concerned with this problem.

I would suggest that the wording could be different, but this is simply a suggestion because I realise the agreement is here for ratification. I do not advocate that my proposed wording should necessarily be substituted, but I would like to think that the spirit of what I am about to suggest could, in fact, be employed in the interpretation of the sentiments expressed in the agreement. I suggest that subclause (2) should read as follows:—

> . . . for the purposes of the Company's operations that no permit or license for the operations shall be granted unless the Conservator of Forests so indicates in writing that the forest environment will not be unreasonably disturbed.

I think this has a similar effect but it is a little more positive in its approach. I suggest something of this nature, which I think would make the powers of the Conservator of Forests a little more clear and, perhaps, stronger. If no alteration is made to the Bill, I suggest that this is the atmosphere in which this particular subclause might be used and interpreted.

The Hon. A. F. Griffith: In practice, the Conservator of Forests will make his ideas known to the Minister for State controlling the Forests Department, who is part of the Government.

The Hon. N. McNEILL: This is the point I have been endeavouring to make—that, after all, the Conservator of Forests is a most senior officer in the Government and has this power.

I would like to make it known that I take pride in saying that I belong to these forests areas and I have a great love of the forests. I have been brought up amongst them and there is nothing I enjoy more than the State forests. I therefore share the view of a great many people that, while they wish development to take place, there should be adequate safeguards against human weaknesses and frailties.

I believe there are probably quite adequate safeguards in this agreement. One safeguard that will be a source of consolation to the people who are concerned about the agreement is provided in clauses 17 and 18 of the agreement, whereby action may be taken in the case of default in performance by the company, with the possibility of the termination of the agreement. In the event of dispute, the matter can be made the subject of arbitration. The safeguards are there, and I believe they are real safeguards. If the people in the forestry world, as departmental officers, are not satisfied that the requirements are being met, they have the opportunity to make representations about those matters to the conservator and to the Government, and to use those clauses in the agreement to challenge any possibility of default in performance.

The Hon. R. F. Claughton: How does that overcome the provisions in subclause (5) of clause 9?

The Hon. N. McNEILL: I do not think there is any conflict with that provision. I am not an authority as to the interpretation of that provision, but I believe subclause (5) of clause 9 gives the company the opportunity to make the fullest use of the facilities that are being provided under this agreement, subject to the conditions of the agreement. Surely this must be implied.

The clause I have quoted in relation to default in performance is just as much a part of the agreement as subclause (5) of clause 9. I fail to see that there is any conflict. One or other of the clauses must apply, and I would think the default clauses would give added protection. Clause 9 specifies the State's obligations under the agreement, which is a different matter from that to which I referred.

In conclusion, I repeat that it is a matter of genuine concern to some people that all possible steps should be taken to protect the environment. I have been asked the question: What role can the Minister for physical environment play in provisions of this nature? What say will he have? I can only assume that he will be able to carry out the functions that have been discussed in this House; in other words, he will have the opportunity to protect the State's environment.

In view of the publicity that has been given to certain statements—particularly to that made by an officer of the Forests Department—there is a great need for

clarification. The view of the departmental officer is that there is insufficient awareness of certain features. As the Government is involved, there is a need for clarification so that people may be assured that there will be adequate protection. I am one of those who sincerely desire that as much as possible of this heritage of forest area and of our natural resources should be preserved for the enjoyment of the people, consistent with the needs of Western Australia and the needs of the people. I support the Bill.

THE HON. C. R. ABBEY (West) [8.52 p.m.]: I rise to support the Bill. I do not intend to indulge in repetition. The matter of the preservation of the flora and fauna that are likely to be affected by this Bill has been well covered this evening.

Not a great deal has been said about how we should go about the preservation of the flora and fauna in these areas, and I am wondering just what we should do in this regard. As every speaker has accepted the fact that the industry will be of great benefit to the State, we have to find the practical measures for conservation.

Together with a number of other members of Parliament, I took the opportunity to inspect the Boyagin Reserve, at the invitation of the Minister for Fisheries and Fauna.

The Hon. G. C. MacKinnon: I think you mean Tuttaning, which is almost identical with the country at Boyagin and Dryandra. There are the same fauna, and so on.

The Hon. C. R. ABBEY: Yes. Tuttaning Reserve is an indication of what can be done by conservationists to preserve the few remaining fauna in the area. It appears to me that the fauna in that area have adapted themselves to the prevailing conditions. I have noticed this in areas around my own farm. There is State forest on two sides of my farm, and I express the opinion that many of the animals that have been thought to be non-existent in fact still exist in pockets. This has been confirmed from time to time.

It is quite remarkable how kangaroos, for instance, prove their adaptability. It is a great pity that their adaptability brings them out onto the roads in the forest areas. Because of the disturbance of the sides of the roads through grading, and the blowing of seeds from cereal crops, in some areas there is quite a lush growth of attractive species of grasses along the sides of the roads in the wintertime, which bring the kangaroos out, particularly in the evening and during the night, and unfortunately some of them are killed. This is one of the side effects of the adaptability of our fauna. I believe that some of the rarer types of fauna, through their adaptability, are changing their habits.

It seems to me that as the community has expressed, through Parliament, its concern that the environment should be protected, particularly as regards flora and fauna, it will have to accept whatever this costs. I mean by that that we will have to employ in the wildlife authority more people with expert knowledge. No doubt the Minister has this in mind, particularly as he now has the responsibility for the physical environment.

There is no doubt that with research and goodwill a great deal can be done to preserve the things which we fear will be destroyed, but I would also like to compliment the Government on its attitude towards the siting of these industries. The alumina industry is one of the greatest examples of decentralisation in the world. Instead of concentrating several large industries in one area—as has been the normal practice in many countries—we have the situation that they have been spread far and wide, which provides a real opportunity for decentralisation.

To indicate to the House some of the concern that has been expressed to me, I would like to read some telegrams which I received today. They are addressed to me at Parliament House, Perth. The first one reads—

> Strongly urge that there be no encroachment by mining on Dryandra Reserve west of Narrogin. Fauna must be protected.—J. D. and M. Hargreaves.

The next one reads—

> Urge special consideration for Dryandra State Forest in current Bill for Alwest Mining.—M. A. Lewis, President, Dale Conservation Committee, 18 Bedfordale Hill Road, Armadale.

These telegrams indicate that people are taking a great deal of interest in the matter of conservation. I do not believe that those people are irresponsible in their concern: nor do I believe that the Ministers of the Government who will have the responsibility of administering the Acts concerning the mining projects will be irresponsible. They are very responsible people.

When Mr. McNeill was speaking the Minister for Mines pointed out that there are clauses in the Bill which will permit the Government to retain absolute control in regard to any decision that shall be made on the mining of these areas.

That is all I wish to say except to indicate once again my acceptance of the need for this industry and that I believe the benefits from it will far outweigh any disadvantages that the community as a whole may suffer.

THE HON. R. THOMPSON (South Metropolitan) [9.01 p.m.]: If I thought for one moment that the Dryandra State Forest was in jeopardy I would oppose the

ratification of this agreement. However, I feel we should have some faith in the physical environment protection legislation that went through this Parliament, and also we should have some safeguards in view of the concern that has been expressed throughout Western Australia by all sections of the community about the protection of our flora and fauna. People are expecting conservation methods to be implemented and therefore at this stage I do not have any fear that the Dryandra State Forest will be placed in jeopardy.

I think the Minister at the present time —and I hope he is not the Minister when this refinery is established—and his successors will have the utmost regard for our flora and fauna, because that is the Minister's responsibility. I am not speaking of the present Ministers, but those who will follow them, and when the establishment of this alumina works becomes an accomplished fact—

The Hon. A. F. Griffith: I do not mind your speaking of the present Ministers; you can speak only good of them.

The Hon. J. Dolan: You don't know Mr. Thompson.

The Hon. R. THOMPSON: I do not think the Minister should anticipate what I was about to say. I was about to speak on the Bill before us and not on the past actions of Ministers. In some respects I cannot sing their praises and, in fact, when I speak on the agreement itself I will not be singing their praises. However, the Minister for Fisheries and Fauna, when he becomes the Minister for the protection of the physical environment, will have a responsibility to the people of Western Australia. Even the Minister for Mines and the Conservator of Forests have a responsibility in this matter, although we have heard that a pattern has been set. This evening we have read statements in the Press and heard broadcasts on the national news to the effect that the Minister for Industrial Development refutes the statements that have appeared in the Press to the effect that the Forests Department and its advisers were not advised of the establishment of this industry. I am in a quandary now, because I do not know who to believe.

I wish this company well. I agree with the previous speaker that it will bring an industry that we need to the southern part of the State. It will probably assist the towns of Collie and Bunbury. However, I would point to the disadvantages that can come with the establishment of such an industry. I have been one to pat Alcoa on the back for the work it has done on its port installations and its refinery, but not on its mining operations. That company has spent a colossal amount of money to try to control and contain the dust nuisance. In fact, I do not think it would know exactly the amount of money it has spent to overcome this problem, but to date it has been unsuccessful.

Irrespective of where this proposed alumina refinery will be situated, it is entering the Bunbury area and I would suggest the further the works can be situated from residential areas and closer settlement the better it will be, because although Alcoa has spent thousands and thousands of dollars and a great deal of time and effort, and has brought experts from America and Canada to Australia to solve the problem, the dust nuisance still continues. Alcoa is most anxious to eliminate the dust nuisance. It does not want to see its alumina product blown over to Garden Island. With an easterly breeze blowing one can see the alumina being carried over to Garden Island and blanketing the whole of the island which is about seven miles from Alcoa. Alumina is valuable but the amount that is blown away by the wind is completely lost to the company. How it will achieve a successful solution to the problem, I do not know, because its experts are baffled.

It may be all right for some people to say that the establishment of this refinery in the Bunbury area will make the townsite of Bunbury. I have some doubts about this unless a fool-proof method of loading the alumina into the ships can be evolved before the wharf is built. Unless this is done the establishment of the works will not be of benefit to Bunbury. On the contrary, it will bring a great deal of discomfort to the residents, and I do not want to see that happen. It is better to issue a warning first rather than to say later, "What are you going to do about this problem?"

From my knowledge of the present Bunbury Harbour the berth that is to be built for the loading of alumina should be situated a sufficient distance from the townsite so that the people will not be affected by the dust nuisance. It is possible, of course, that the company may come forward with a solution to the problem.

The Hon. G. C. MacKinnon: From a dust point of view the port is not badly placed, taking into consideration the direction from which the wind blows.

The Hon. R. THOMPSON: Unless members have studied this problem they will not be aware that alumina is not a dense material. In fact, it is very light and when there is only a whisper of a southerly breeze it seems to remain in the air when a ship is being loaded with the product. The company does not want to lose alumina by this means, but Alcoa has been unsuccessful to date, although it has done everything humanly possible to solve the problem. Therefore, in respect of Bunbury, I would issue this word of warning.

Clause 4, dealing with resumptions, which appears on page 7 of the Bill, concerns me. It reads—

> 4. The State may as and for a public work under the Public Works Act, 1902, resume any land required for the purposes of this Agreement and notwithstanding any other provisions of that Act may sell lease or otherwise dispose of the same to the Company and the provisions of subsections (2) to (7) inclusive of Section 17 and Section 17A of that Act shall not apply to or in respect of that land or the resumption thereof.

I do not like this clause, because in the other agreements that have been placed before us—namely, the Alcoa, B.H.P. BP Refinery, nickel refinery, and CSBP agreements—little regard has been shown for the individual. We have seen people disappointed because equitable compensation was not paid to them.

From the maps and the plans available to us I cannot gain any indication of the resumptions that will take place, as I do not know the area very well. This concerns me, because this agreement can be extended for 63 years, which is a very long time. Although the company may not have any need to make resumptions for some time, the agreement provides that 50 years from now the company may desire to make resumptions and the Government will then have to put them into effect, in the same manner as they were effected under previous agreements when sections 17 and 17A of the Public Works Act were put into operation.

The Hon. A. F. Griffith: The words are "the State may."

The Hon. R. THOMPSON: That is quite true, but let the Minister cite the example of the agreement I have just mentioned under which the State did carry out resumptions and the people did not receive equity in the matter of compensation. They came under the relevant sections of the Public Works Act and the compensation payments made for the resumptions were insufficient. The people concerned could not fight any longer and I made hour-long speeches in this Chamber on their behalf, to no avail. Although under the agreements mentioned the resumptions were practically immediate in their effect, under the agreement contained in this Bill its provisions may not be felt until 50 years from now. Actually we are mortgaging the rights of the people in the future.

Let us have a look at clause 9(8) which appears on page 26 of the Bill and has the marginal note "No resumption." In this subclause we see an about-face. Why I am critical of this clause is that it takes my mind back to the agreement that was made between the Government and Australian Paper Manufacturers and which was brought before this Chamber. In that agreement a clause provided that the land on which the plant was constructed, or any land that the company may purchase in the future, shall not be subject to resumption by the local authority or by the Government for the purpose of any public work.

What has happened? The Minister for Local Government knows what I am talking about. The planning of this area under the Cockburn Shire Council required the construction of major road arteries from Rockingham Road through to Forrest Road. These roadways were necessary, but under the terms of the agreement we found that the shire was unable to act, because Australian Paper Manufacturers had purchased some 750 acres due south of the factory area. Indeed, it was found that the development of that area was cut off through lack of main arteries. Let us have a look at what is provided in subclause (8) of clause 9 of this agreement, appearing on page 26. It states—

> (8) not during the currency hereof without the consent of the Company resume or suffer or permit to be resumed by any State instrumentality or by any local or other authority of the said State any of the works installations plant equipment or other property for the time being the subject of or used for the purposes of this Agreement nor any of the lands the subject of any lease or licence granted under or pursuant to this Agreement or any freehold land of the Company used by it for the purposes of this Agreement PROVIDED THAT the State may at any time during the currency of this Agreement resume without compensation but otherwise in accordance with the provisions of the Public Works Act a strip of land five chains in width for the purpose of the future Bunbury by-pass freeway, but in determining the alignment of such road the State shall pay reasonable regard to the operations and projected operations of the Company.

It can be seen, therefore, that in this agreement we are perpetuating something which caused a great deal of concern in the agreement connected with A.P.M. Other speakers have said that this agreement will be good for the south-west, and I agree. I hope it gets off the ground. I do feel, however, that this clause should go out of the agreement.

Would any of us sitting in this Chamber three years ago have envisaged what would take place in this Parliament? We did not know this was going to happen. Do we know what will happen in 10 years' time. It might be necessary to resume large tracts of land; it is possible that a more profitable industry could be established; a township could be established; any number of things could be done; yet

this land is to be resumed for three 21-year periods—it is to be tied up for 63 years and not even the Government will be able to take any land other than the strip for the Bunbury by-pass freeway for which, I believe, the route has not yet been determined.

It might take 60 years before this is completed. I feel, however, that we are writing into this agreement something that should not necessarily be written into it. I do not think the companies request such things; most companies are reasonable. Once these provisions are written in, however, we will find ourselves in a position similiar to that which obtained in the case of A.P.M., where even if the shire wanted to put in something for the well-being of the people of the area it could not take one-eighth of an acre from the company. The company is fairly hard and it refuses to give an inch.

I do not wish to prejudge the companies referred to in the Bill, because I do not know a great deal about them, but I think it is wrong to bring an agreement to Parliament to be ratified without our having prior knowledge of what it might mean to the State in the next 60 years. I do not think it will damage our heritage and I hope it will not; but I feel that we are placing an undue burden on those who follow us.

I support the Bill, but I would like to see deleted the clause to which I have referred. I know the Minister will tell me—as he has in the past—that this is a signed and sealed agreement and that we can do nothing about it; but that due regard will be given to what I have said.

I have proved that we cannot always take notice of the due regard that companies are likely to pay, because the case I have mentioned with regard to A.P.M. can be verified.

I support the Bill with the reservation that subclause (8) of clause 9 of the agreement on page 26 be struck out. I hope that due regard will be had for the people concerned when resumptions are made. If the Government intends to take away land which provides a livelihood for people we should think of replacing such land rather than providing compensation.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.21 p.m.]: I hope members will take careful note of the fact that when we pass clause 3 of the Bill the agreement will be ratified. If we accept this Bill as it is then we will lose the opportunity to do anything about the Dryandra Reserve, about which several members have spoken and expressed concern; because the State has no power to resume under the clause referred to by Mr. Ron Thompson.

I know many people who are concerned with the question of conservation. They range through the whole strata of society from prominent business executives down to the average wage earner. I have no doubt their concern is genuine. They are not just flying a flag; they are not wishing to prevent development, nor are they jumping on the bandwagon as the Minister for Mines just said.

The Hon. A. F. Griffith: I was talking to my colleague and said they are not like you; they are not trying to jump on the bandwagon.

The Hon. R. F. CLAUGHTON: The Minister might recall that one of the first speeches I made referred to a report of the Conservator of Forests before there was any general movement towards conservation. I am not jumping on any bandwagon. Matters of this kind have been my concern for many years, and it is unjust for the Minister to accuse any member who happens to get to his feet to speak on this subject of jumping on the bandwagon.

The Hon. A. F. Griffith: You happened to hear a remark I made to Mr. MacKinnon and you used the words I uttered. Do not try to be too smart.

The PRESIDENT: Order! The honourable member will continue his speech.

The Hon. W. F. Willesee: You are very lucky.

The Hon. R. F. CLAUGHTON: The Minister is obviously aware of the fact that my hearing is not too bad. I heard Mr. Dolan say quite clearly that he favoured the establishment of this company, and that he supported the development of industry in the south, but he expressed concern as to what would happen to the Dryandra Reserve.

The Hon. F. D. Willmott: Did he say he would oppose the Bill?

The Hon. R. F. CLAUGHTON: Yes, I think he did, and that is what all members who are concerned should do. It would not mean that the agreement in the Bill would be lost, it would merely provide an opportunity for the provision to be changed.

The Hon. V. J. Ferry: Are you going to oppose it?

The Hon. R. F. CLAUGHTON: Yes, I am, because I think it is an affront to this Parliament which has recently passed a Bill to set up a department of physical environment in which the Minister is given certain powers to take action on matters of conservation which might be referred to him. Yet in this Bill he is denied this opportunity. The agreement is an accomplished fact.

How would the Minister deal with the Dryandra Reserve under the provisions of this Bill? What power does the Conservator of Forests have? The whole thing

is completely tied up with subclause (5) of clause 9 of the agreement which states—

> (5) ensure that no land the subject of any mineral lease or other lease, licence or easement granted under or pursuant to statute or this Agreement and no land of any other tenure (including freehold) used or occupied by the Company for any of the purposes contemplated by this Agreement shall be made subject to any restriction as to its use....

How do we overcome that?

The Hon. G. C. MacKinnon: Despite the fact that I am not yet sworn in, the matter was referred to me and I am quite content that there is adequate protection.

The Hon. R. F. CLAUGHTON: The Minister amazes me and I am sure he will amaze the general public. If the company is genuinely concerned, if the Minister is genuinely concerned, and if the Government is genuinely concerned, why is Dryandra included in this agreement?

The Hon. G. C. MacKinnon: Because there are very good reasons. It gives better protection, not worse protection.

The Hon. F. R. H. Lavery: Why aren't we told?

The Hon. R. F. CLAUGHTON: I hope the Minister will explain that to me later. I fail to see how better protection can be provided for land where it is included in an agreement and the company has the prior right to use the reserve. If it were excised from the agreement at this time so that the people who are objecting to it could be given an opportunity to voice their objections they would be satisfied. I am sure that I, too, would be much happier about it; but I fail to see how by leaving it in we provide better protection than by excising it and reserving it under the care of the Minister for conservation.

The Hon. N. McNeill: Do you not believe that clause 12 would give the necessary protection to the conservator?

The Hon. R. F. CLAUGHTON: How can the Conservator of Forests overcome the provisions of subclause (5) which says that these lands shall not be made subject to any restrictions? If the Conservator of Forests wishes to preserve that land it will certainly hinder the company carrying out its operations. I listened carefully to Mr. McNeill, because I had hoped he would enlighten me on this point. I am afraid, however, that that enlightenment was not forthcoming.

I oppose the Bill and I hope that other members will also oppose it at the appropriate stage. It could be recommitted and the necessary adjustment made to the area of land that is ceded to the company under the agreement.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.31 p.m.]: I would not have entered this debate except that today I received a telephone call from a very important group of people in Peppermint Grove who are very concerned about the statements made by Mr. Beggs, on behalf of the Forests Department, to the Mining Act Committee of Inquiry yesterday, as reported in today's issue of *The West Australian*. I have been asked to say that there is not a Labor voter among the group. Members of the group tried to contact various members of Parliament, and happened to get on to me first. The group is concerned that this agreement which is now before the House for ratification might go through Parliament without any of the normal arguments and criticisms being made for and against the Bill.

Many people have jumped on the bandwagon of conservation and preservation in the last three or four years, and this Government, with all due respect, must be commended for bringing in legislation in regard to flora and fauna two years ago. I am not trying to kiss anybody's shoes—to use the vernacular—but, as Mr. Ron Thompson said, this legislation could continue in existence for 63 years, and there could be 10 Governments in that time.

When a Bill of this nature is brought before the House, I think it is at that stage a *fait accompli*, but every member of Parliament, no matter what his political aspirations are, is given the opportunity to criticise or support the Bill. I think the Minister for Mines would agree that when he, himself, has been on the Opposition bench, he has done just that. I am not criticising the Minister for Mines for doing so. I am pointing out that this is the inherent right of every member of Parliament.

The speeches made by Mr. Dolan, Mr. Medcalf, and Mr. McNeill will be well worth reading many years from now. They were factual and intelligent, and they showed forward-thinking. These people in Peppermint Grove were so concerned that they chose a bank-bencher, such as myself, to speak for them.

I remember when the Western Mining agreement went through this Chamber. A number of criticisms were made and great joy was expressed at the fact that a well-known Western Australian company was moving forward in its development in this State. Since that time there have been many measures of the same nature affecting the north-west. There has been only one affecting the south—the Laporte agreement—and there was one rather unsuccessful one which concerned fruit canning at Manjimup.

As far as environmental protection is concerned, while certain things are not actually written into the agreement, the company has a moral obligation. Mr.

McNeill did not mention the fact that this product has to be shipped from the Port of Bunbury, which is right in the middle of that town, and the prevailing winds blow across Bunbury. The manager of Alcoa will be very pleased to take members through his installation and point out the difficulties that have been experienced, and the enormous amout of money that company has spent in raising the smoke stacks to tremendous heights. Those difficulties have been overcome, but the company has not overcome the difficulty of shipping the valuable alumina that is flying away in the air. Members representing the Bunbury area might give consideration to discussing this matter with the manager of Alcoa, because of the terrific amount of investigation that has been carried out by that company. The company would give almost anything to do away with this drift of alumina when it is being loaded onto ships.

The Hon. G. C. MacKinnon: Are you speaking of the port out by the breakwater or the new port?

The Hon. F. R. H. LAVERY: The new port. The wind will blow the alumina back over Bunbury. I believe that we, as members of Parliament, should ensure that the views and fears of the public are debated here. I am sure the management of this company will read these debates, and if the management of Alwest adopts the same attitude as the management of Alcoa, we will not have much to worry about. If any difficulties arise, the company and the physical environment council can get together, and if the company is anything like Alcoa it will do everything in its power to co-operate.

The Hon. W. F. Willesee: There is no doubt about the reputation of the company.

The Hon. G. C. MacKinnon: I can back up what Mr. Willesee says, because members of the company have already been to see me and have expressed their concern with conservation and the protection of the environment.

The Hon. F. R. H. LAVERY: This is what I am hoping to promote in my speech. Nobody has any objection to the company, and I do not think anybody has any objection to the industry.

The Hon. G. C. MacKinnon: I told you that to reassure you.

The Hon. F. R. H. LAVERY: At heart, I am a great advocate of conciliation. I played a great part in conciliation in my union, and it was only when I left the union that it got into industrial strife.

While it is laid down in this Bill that the company should have a conservation officer, I have no doubt that before long it will have staff who are concerned with this matter. I hope notice will be taken of what members of Parliament say in expressing the thinking of the people of Western Australia.

THE HON. V. J. FERRY (South-West) [9.43 p.m.]: This is a very important Bill and it has my support. I do not wish to traverse the ground that has already been covered during the debate but there are one or two points I would like to add because of my personal knowledge of the area where the operations of the company will be established under this legislation.

It is no small wonder to me that we hear so much criticism of developmental projects. I think every member of this House is well aware of the great desire in so many country areas to encourage industry. Throughout the whole of the south-west there would not be one town, large or small, that has not made strenuous efforts in the past, and is not still making strenuous efforts, to attract industries into its area. In so doing, they are probably bringing problems upon themselves. So it is with this Bill. We envisage tremendous development for the benefit of the State and the people, but we will also bring some problems in the implementation of the operations.

I think this is inevitable. We have heard so much talk about conservation and perhaps it is quite a worthy motive. However, right throughout the history of this State we have had problems with conservation. The farming community itself is probably as much to blame for destroying the natural environment as any other industry. Countless thousands of acres have been changed by the very nature of farming activities, just to mention one industry alone. I do not hold this against farmers; it is a fact of life.

When we need roads, for example, we change the environment. We cannot get away from it. However, what we can do, and have endeavoured to do under the agreement contained in the Bill, is to safeguard, as far as we can satisfactorily foresee, many of the contingencies that may arise in the operation of this industry.

I wish to refer to the tremendous advantages to the south-west, which are paramount to my mind. One of the towns which will derive a great deal of benefit from the industry to be established is the town of Boddington. It is a town which I know very well indeed because I lived there for a few years. I know the area of Mt. Saddleback and further to the west and south quite well. I understand that a work force of some 100 people is likely to be housed in the Boddington area.

For some years there was an industrial complex of a lesser magnitude at Boddington; namely, Industrial Extracts Limited, which extracted by-products of wandoo. Unfortunately it had to close down a few years ago because of economic circumstances and this caused the town and the district to decline somewhat. Now that the wheel of fortune is turning in its favour we will see an increase in population in the

order of 100 employees and their families, if the employees are married. Boddington, which has been desperately in need of some industry within its area, is about to receive this benefit. I do not think the town will complain; in fact I am sure it will not.

I believe that one of the main benefits that will flow to the people of the south-west from this legislation is the further development of the harbour at Bunbury. I am particularly conscious of this need. As one who represents the lower south-west of this State, I know we will depend more and more in the years ahead on the outlet of Bunbury, and particularly in respect of the projected wood chip industry which I am quite sure will be established south of Manjimup at Diamond once negotiations are at a satisfactory stage.

Here again, it is a case of using the natural resources of an area. So it is with bauxite. We cannot have decentralisation, which has been the catchcry for so many years, without development and use of our natural resources, whether they be bauxite, timber, farming, or anything else.

It is acknowledged that in some respects forest areas of this State will be disadvantaged by the proposed industry. I am one who has a very high regard indeed for the timber industry of this State, which is so terribly important, particularly to the south-west sector. Nevertheless, I acknowledge that tremendous benefits will be derived from the mining activities which are envisaged under this measure.

Consequently I support the Bill because, on balance, greater benefits will flow from the establishment of the industry than would flow if the industry were not established. In respect of forestry activities, it is acknowledged that reafforestation on the mined areas is a somewhat doubtful exercise at this stage. No-one is yet able to tell whether reafforestation will be completely successful for the growing of commercially accepted species of trees. Nevertheless, the indications are that it can be put to advantage and only time will prove whether or not this is so.

To compensate for the loss of timber areas occasioned by mining activities, I suggest that in the future there will be other methods of reafforestation to make up for any deficiencies in our timber resources which may be brought about through mining activities. I believe that other areas of commercially accepted species of timber will be planted in increasing numbers by the Government through the Forests Department, and by private tree farmers.

On balance I do not believe we will be tremendously disadvantaged. It is acknowledged that perhaps what could be described as prime jarrah forests will be destroyed, in part, from this operation. Here again, I realise that prime jarrah forests have been, and are continuing to be, denuded and, in fact, destroyed by what is known as jarrah dieback. Consequently, this problem is already with us. I do not say we should add to these troubles, but they are nothing new; we have to live with them.

I am particularly pleased to notice provision in the agreement for the use of local labour and materials.

The Hon. F. R. H. Lavery: What page?

The Hon. V. J. FERRY: On page 16.

The Hon. J. Dolan: Where will they get local labour in Boddington?

The Hon. V. J. FERRY: I imagine local labour will be attracted to the area because of employment opportunities.

The Hon. J. Dolan: It will not be local then.

The Hon. V. J. FERRY: It will be local labour once people are employed. I can assure the honourable member, I will be glad to see them there just as the people of Boddington will welcome them with open arms. Clause 5 (8) (a) reads that the company shall—

> as far as reasonably and economically practicable use labour available within the State and give preference to Western Australian suppliers manufacturers and contractors in the placement of orders for works materials plant equipment and supplies where price quality delivery and service are equal to or better than that obtainable elsewhere;

I am particularly pleased to see this provision written into the agreement spelling out certain conditions. It must give some encouragement to Western Australian manufacturers and suppliers of materials.

I do not wish to continue any longer, because the night is drawing on. I simply wished to take the opportunity to mention these things and to give my support to the measure which is a further demonstration of the determination on the part of the Government to bring industry and employment opportunities to people in the State, particularly in the south-west.

I can acutely remember words ringing in my ears some years ago that everything was happening in the north and nothing was happening in the south-west. This is completely untrue. With the development of natural resources, there is decentralisation in its widest application in every part of the State. This is a course which the Government is following, and has done for several years. I am thankful for this and appreciate the Government's efforts. I believe that the south-west is under no disadvantage in comparison with the rest of the State. We are all Western Australians and what happens in one district affects other districts, whether they are in the north, south, east, or west. I wish the industry well and much success in the years ahead. It has my support.

THE HON. F. J. S. WISE (North) [9.55 p.m.]: Implicit in the agreement are certain responsibilities on the company to the Conservator of Forests and the Act which guides his operations. It is important to remember when discussing this Bill in detail that once clause 3 is passed, the agreement is ratified. It is quite idle to suggest that any move in this Chamber could be made either to nullify the agreement or to amend it. The agreement has been signed by the appropriate authorities representing Alwest Pty. Limited, and the three signatures include that of the Minister for Mines, the Leader of this House, who signed on behalf of the Government.

In that respect, it is no different from any other agreement signed recently or in the past, whether it be an agreement to take over a meatworks or to establish an iron ore industry in the north. To my knowledge, over the last 40 years Parliament has not done other than agree to proposals to which the Government has put its signature, even though Parliament may think the decisions were not wholly right. That is the position at this stage.

I wish to speak mainly from the forests angle. In these days of exploitation of our latent mineral resources all sorts of preconceived notions of the past and strong arguments of the present have been cast aside. This has been done in an endeavour to exploit resources of the State which are of no value unless they are developed.

Representing as I do the whole of the area, except the Kambalda region, where mining has given the State such an impetus, I know what the exploitation of our mineral resources has brought to the State. However, I often wonder whether in this year of 1970 there is a necessity for undue haste in developing all discoveries, wherever they may be found.

A decade has not passed since this Parliament was told that it could not export 1,000,000 tons of iron ore from Western Australia, because there was not enough iron ore in Australia to meet all Australia's needs for 50 years. Since that period we have had the experience of 100,000,000 tons of high quality ore being exported from the middle north alone. The following year a nought was added to that figure which made it 1,000,000,000 tons as our known reserves. Now we do not know how many noughts we could safely add to the iron ore deposits of the middle north alone.

I repeat that I wonder whether there should be undue haste in the lives of people of this generation to exploit all the minerals in their lifetime or whether we should approach our mining assets and reserves in the same manner as we initially approached our forests, which are also our assets.

Many people in this Chamber may not know the origin of the Forests Act of this State. The Act was brought about by that remarkable man in forestry, Lane-Poole, who was succeeded by another remarkable man, Mr. Kessell, who designed the forest policy of this State and had written into the Forests Act certain controls which mean there is little reference to Government or to Parliament in the authority vested in the Conservator of Forests and in his department.

It was regarded, and still is, as the best example of forest control legislation in the world. I point out that in the Bill before us we are taking from the conservator, in a simple agreement to be ratified by Parliament, certain authorities he has had and which Governments and Parliaments have regarded with some sanctity.

One of the first methods of provoking concern and argument in this Chamber and in the other place has, for many years, been to encroach into forest areas. Is that not so? When the Forests Act amendments come before this Parliament annually, have we not had such great men as The Hon. J. Murray, and others, fight for the protection of even a few acres of our forests? And what has the Forests Act given us? It has given us a policy not merely of silviculture and the production of seedlings; it has given to us the prospect of forests of some of the world's best timbers in perpetuity.

This Bill goes in the reverse direction. One member speaking a moment or two ago mentioned the prime jarrah forests being despoiled, denuded, and destroyed by the effects of this Bill when it becomes law. Surely we reach a conflict in our thinking. Our forest resources were responsible as a major employer of the work force of the State—in the forests, at the mills, at the wharves, and on our railways. The best hardwood stand in Australia was owned by the Railways Department of this State for the purpose of obtaining the sleepers it required. There have been days when this State lost a sleeper contract to Ceylon or India, and when Ministers were sent overseas in an endeavour to retrieve the situation. I know about that, because I was one of those Ministers, and I retrieved the situation.

I point out that forests have been such an important part of our economy, and must continue to be, that every reasonable safeguard must be considered when an agreement of this kind is being drawn up and presented to Parliament for ratification. The cutting of sleepers for the railways of the north enlivened many small towns, and many spot mills as well as larger ones, and gave impetus to the value of business in those locations. My concern in this is mainly along the line that there

should be no deliberate denudation of forests, either natural or man-made since the innovation of our Forests Act.

All of us would wish that the company would tread warily in regard to denuding this State of one of its greatest assets of the past, and one of its best potentials of the future—our forests, designed to be forests in perpetuity. Have not most of us visited the jarrah stands and the areas of regeneration of jarrah and karri in different parts of the State? I have, not merely because I was once Minister for Forests, but because of a definite interest in the assets of the State. I would hope that much of the country to be exploited and explored and used under the authority of this Bill will be those areas of—what shall I call them—weak stands of jarrah lying between Northcliffe, Jarrahdale, and Manjimup in the southern hills where the lower forms of jarrah are to be found.

I hasten to object to the use of our best jarrah areas for any purpose other than that which was originally intended merely because much more money will be returned more quickly. That is not a sufficient argument. I repeat that once this first part of the Bill is passed there will be little prospect of even speaking to the schedule to the Bill, which is the agreement. I draw attention to the point raised by Mr. Claughton in regard to paragraph (5) on page 25 of the Bill which certainly gives the fullest authority to the company concerned to have complete control of all areas, including freehold, in the area of its operation.

No-one would be able to prevent or unreasonably hinder the company carrying out the operations contemplated by this agreement. That is the verbiage in it. So it is to be an open go, governed only by sound consideration and consultation all the time, I suggest, with the Minister and the Conservator of Forests weighing the potential value of both industries. No-one wishes to stop the clock, let alone turn it back; but I emphasise the importance of the natural forests of this State—controlled, I repeat, by the best forests legislation in the world with regard to regeneration and the control of forests. The legislation is designed so that the forests shall be there forever.

It may be said by someone following me in this debate that my attention should be drawn to other aspects of the Bill; but perhaps that will not occur because I do read Bills presented to Parliament. I would draw attention to paragraph (8) on page 29 which appears to give a responsibility to the company that, when required by the conservator, it shall at its own expense take adequate measures to carry out replanting and reafforestation. One can glibly talk in such context as this on the matter of reafforestation. It does not matter whether the Sahara Desert or the opulent north-east of Australia is concerned; reafforestation is a very difficult process under the best conditions; and once the living element—the surface soil—is disturbed, and the next strata in which the trees live is taken away, the forestry processes in their keenest form are certainly upset.

The purpose of my speaking at all was to draw attention to the importance of our forests industry—even at this late stage—one of the greatest assets we possess. This asset is now to be overshadowed by something much more lucrative as an industry in the very same area. I suggest and repeat that there must be a weighing all the time between the Ministers involved and between the company and the Conservator of Forests to ensure that there is not to be an imbalance between the misuse of our existing assets of forests, and the latent assets of minerals.

I would feel much happier about this Bill and the agreement if the terms within it were not so generous that it would appear the Conservator of Forests may be brushed aside—and that can be read into it—if the company is anxious to develop a particular area. I hope sanity will prevail and I hope it will not be a case of the destruction and denudation of forests for the purpose of producing another article. I hope that long after I have passed from this stage—and this is my second-last day on it—there will still be the prospect of great forests in Western Australia.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [10.11 p.m.]: All the points I wish to make concerning this Bill have already been made 10 or 12 times during the last couple of hours. Therefore, I will not take very long to say what I have to say on this measure.

I had intended to bring to the attention of the House some of the points brought forward by Mr. Dolan. Indeed, I agree with many of the points he made. In particular, I had intended to bring to the attention of the House the work of Vincent Serventy—one of Australia's greatest naturalists—and I intended to mention the book he has recently written on the Dryandra Forest. However Mr. Dolan more than adequately covered that aspect. Mr. Medcalf also mentioned aspects that I had intended to speak about.

However, my purpose in rising at all, in view of the fact that most of the comments I wanted to make have already been made, is simply to add my voice to the voices of others who have expressed concern that perhaps some of our natural environment will be destroyed. I hope that by adding my voice I will help to emphasise to the company that the people of Western Australia are concerned, and, indeed, this Parliament is concerned, that the fauna and flora in the Dryandra Forest shall not be interfered with.

The Hon. R. F. Hutchison: Of course it will be interfered with. The company cannot help but interfere with it.

The Hon. CLIVE GRIFFITHS: I hope the company will take heed of what has been said by members of this House. I also hope the Minister will assure me that clause 12 of the agreement does afford the protection we are seeking, and that the fauna and flora in this particular forest will be adequately protected.

Whilst listening to the various speeches, I began to think about the natural resources of Western Australia. I agree that they should be exploited for the benefit of the people of Western Australia.

I started to think about the quantity of bauxite that is alleged to be available in Western Australia. Not long ago members of Parliament were taken on a trip to the north of the State, and on the Mitchell Plateau we were shown an immense deposit of bauxite. There are many other similar deposits throughout the State. I am wondering whether there is a possibility of the State running out of bauxite, and at the rate at which the deposits are being exploited whether someone in a few years' time will suggest that we have been too liberal with the development of the deposits.

I wonder why there is a need all of a sudden to exploit all these deposits of bauxite; and I wonder where the next deposit will be exploited and what effect it will have on the rest of the State.

In the south-west of the State we find in the State forests flora and fauna which have become famous throughout the world; indeed, they are unknown in other parts of the world. Therefore, in exploiting the bauxite deposits I wonder whether we should not turn to other parts of the State where such deposits are located so that we will not interfere with the flora and fauna in the State forests.

The Hon. F. D. Willmott: Where is that area?

The Hon. CLIVE GRIFFITHS: The Mitchell Plateau is one area.

The Hon. F. D. Willmott: Don't you think we will interfere with the environment there?

The Hon. CLIVE GRIFFITHS: We will, but by developing the deposit mentioned in the Bill we will be interfering with the environment of a part of the State which is much more extensively used, and is much more familiar to us. I do not think it is sufficient to say that because we advocate decentralisation it is a good reason for interfering with the State forests. I think it is a rather feeble reason.

The Hon. V. J. Ferry: Don't you believe in decentralisation?

The Hon. CLIVE GRIFFITHS: I do, indeed. The honourable member has enough difficulty in making his own speeches and in getting his points across. Certainly that comment of his was not of very much help. It has merely reminded me of the difficulty he has experienced in getting his points across, and it has made me realise that he is not the slightest bit concerned about the environment, but only about decentralisation.

I would say there needs to be a better reason than this. The Minister has put forward some good reasons, and he said that some benefits will be derived from the exploitation of the deposit in this area. However, I do not think he should be left in any doubt as to what the position will be in relation to the flora and fauna in this area, particularly in the Dryandra State Forest.

It seems to me there is some doubt in the minds of many members. I have read clause 12 of the agreement many times, and this is supposed to be the provision which gives the Conservator of Forests the right to, perhaps, curtail any undesirable activities. I would like to be reassured that it does.

I believe that the people of Western Australia who have expressed concern are genuinely concerned, and they ought to be concerned. It is far easier to destroy the environment than to replace it. I certainly would not want to be a party to destroying an environment such as this one. I hope the Minister will be able to reassure me that my fears are unfounded, and that the conservator will have the power that some members have suggested he has to act. I hope I can be reassured that the conservator has the power which I believe he ought to have, to enable him to deny the company access to this particular State forest.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.22 p.m.]: In the period that I have been a Minister and the Leader of the Government in this House I have introduced many agreements. The first which I introduced on behalf of the Government was the Iron Ore (Scott River) Agreement Bill; and on that occasion these words were uttered by a member who was sitting opposite me in the debate on the Bill—

> With the introduction of this Bill the Minister furnished the House with information which appeared to be less sensationally devised or constructed than the news items and statements which heralded the discovery of this body of low-grade ore. Someone seems to have got his feet on the ground in this connection since the discovery, and has more realistically analysed the situation than when the conjecture regarding the value, tonnages, development potential, and the effects of it were first sensationally

reported. I am not sure that the sensational angle, if not backed wholly or very substantially by fact, is good at any time.

The Hon. F. J. S. Wise: I wonder who said that.

The Hon. A. F. GRIFFITH: They were very wise words!

The Hon. F. J. S. Wise: I think they sounded very sensible. They are still true.

The Hon. A. F. GRIFFITH: That was in 1961. I well remember the occasion when the information relating to the agreement and to the likelihood of the Scott River iron ore deposit being developed—a low-grade limonitic ore—got out to the Press. The news was featured in big headlines, and everybody in the south-west area became intensely excited because there was a prospect of an industry being established there. The honourable member went on to say—

> It is not merely the discovery of a large body of limonite ore; the situation will be advantageous because this body of ore and the works to be established are in a part of the State which requires such an impetus from the development of some different industry. This is a district which has the capacity for production in a different avenue; and this prospect will assist in the development of some of the land which is not the best in the State but to which people will be attracted by this very industrial development.

Those words were very true. I was called down there by the Margaret River Shire, and I went to Augusta in company with Mr. Court. We, in this Chamber, were all very hopeful that the Scott River agreement would, in fact, be a success. We know what happened.

In 1963 these words were uttered by a member in this Chamber—

> This Bill is of very great consequence to Western Australia and, in particular, to the Pilbara district. It has been keenly awaited because, up to its introduction, it was mainly conjecture as to what constituted its provisions. The Bill itself is a very short one and contains but four clauses. However, the schedule to the Bill, which comprises the agreement, plus, covers 47 pages.

Those were also wise words! The quotations I have read are to be found on page 1800 of the 1961 *Hansard*, and on page 1998 of the 1963 *Hansard*. Both were statements by Mr. Wise when he was sitting in the seat now occupied by Mr. Willesee. The only reason I quoted those two statements was that the Scott River agreement was negotiated in an atmosphere of expectation.

The feeling of the people in the south-west, and for that matter in the rest of the State, was that the Scott River agreement was likely to bring to Western Australia something which it needed very badly; and that was industrial progress.

The reason the Scott River project was not proceeded with was that larger discoveries were made in the Pilbara. With the Hamersley iron ore agreement and the immensity of those deposits the Scott River deposits paled into insignificance. Unfortunately the Scott River agreement was not proceeded with. I think there were many disappointed people.

This evening we heard the same sort of sentiment expressed by some members who feel that if this agreement is brought to a successful conclusion—or if it gets off the ground—it will bring the type of benefits to the south-west of the State which the Scott River agreement in 1961 promised to bring.

In this State we have a fair amount of primary industry. We have the agricultural industry, the pastoral industry, the fishing industry, the forestry industry, the quarrying industry; and some people do not like the last mentioned industry, but we cannot have housing, roads, or footpaths without it.

We have other industries like the bee industry, and we also have the mining industry. They are all very important parts of the production of the State. The very great value of these industries to a country is that when we possess them in the degree that we now have them in Western Australia—widely distributed and fortunately an abundance of materials—we are able to produce a balanced economy which any Government would reach out to grasp. When we take our minds back to 10 years ago this sort of thinking in Western Australia was very important. We had little in the way of industry; and certainly we had little in the way of mineral development. Five years ago the value of mineral production in Western Australia was $53,000,000, but in 1970 it will be in the order of $400,000,000 plus. This is a considerable expansion in mining activities.

I have said it publicly, and I say so again in this Chamber, that in this season and in the last season, when farmers were facing difficult times, the man walking down St. George's Terrace or the ordinary man living in the metropolitan area would not be aware of those difficulties, because the State has a balanced economy, and the mining industry in particular is able to tide us over the difficulties confronting other parts of the State.

I think it was Mark Twain who said that a mine is a hole in the ground dug by a liar. Whether or not that is significant, does not matter; every country in the world looks to the development of its minerals and regards those minerals as one of its very important primary industries.

In the last decade we in Western Australia have been able to get this breakthrough and we have been able to develop successfully many of our mineral deposits of one kind or another. I can remember the same sort of thing being said about a number of agreements which I have introduced into this Chamber—and which were introduced into another place by the Minister for Industrial Development—and about the hopes and expectations in regard to those agreements, and the hope that the parties to those agreements would be successful and bring prosperity to the State.

There are a couple of matters about which I would like to remind members. One is that the agreements have been successful, and another is the co-operative attitude of the Government on the one hand, and the company concerned on the other hand. That is terribly important for the success of this type of venture. That co-operation has been achieved and I again remind members that on so many occasions during the last few years the agreements have been brought back to Parliament for amendment of some kind or another.

The Hon. F. J. S. Wise: I think the Minister will concede that the Opposition has been generous.

The Hon. A. F. GRIFFITH: Indeed, I do. I think the Opposition—including Mr. Wise when he was Leader of the Opposition, and Mr. Willesee—has been most generous in its support. I could not help thinking—and I hope this will not be misunderstood—that the fears of what was likely to happen as a result of those industries, in the minds of some people, were being over-emphasised tonight.

The Hon. F. R. H. Lavery: This is the place to emphasise such matters; not in the street.

The Hon. A. F. GRIFFITH: This is the place to do whatever one wishes, as long as one does not upset the President.

The Hon. F. J. S. Wise: One can even get on the bandwagon.

The Hon. A. F. GRIFFITH: That is right. I make these few points because it is important that they be made. On many occasions the Government has had said to it that industry is important to the south-west, and that Collie needs adequate support to keep the coal industry going. There is one gentleman within hearing who will know what I mean. It looks as though there is a good chance that Collie will receive some benefit from the industry which is to be established. Not only will Collie receive benefit, but other parts of the State also will receive benefit as a result of this agreement.

It was refreshing to hear Mr. Willesee's support of this Bill. In fact, what he virtually said was, "Yes, I agree with the Bill."

The Hon. W. F. Willesee: At that point somebody told me to sit down.

The Hon. A. F. GRIFFITH: Well, I did not tell the honourable member to sit down because I knew he must qualify his support, and indeed he did.

I think it is important that I should make the following comment: We have heard considerable talk about the Forests Department and what has been said by Forests Department officers. I would expect the Conservator of Forests to be doing his job as the conservator, and I would expect the Under-Secretary for Mines to be doing his job as under-secretary. I am sure Mr. MacKinnon's officers in the Department of Fisheries and Fauna would be expected to do their job, and we will also expect the new department, which Mr. MacKinnon will control, to do its job. It is the job of the Government not just to pick out one item which is of particular interest to some department; it is the job of the Government to co-ordinate these matters.

I have found the company representatives associated with this agreement to be the same as so many other company representatives: they are good people. They are anxious to develop their projects and, of course, to make money, and that is a principle with which I can agree. I hope that any industry which we in this House are responsible for launching will be a profitable one. If the industry is profitable and makes money then it provides employment for the people and their future is assured. The people are not running the risk of being out of employment and it is necessary that the industries be long term ones. Short term industries are here today and gone tomorrow.

There is nothing untoward about an agreement which provides a lease for a term of 21 years, and an additional 21 years, and a further 21 years. If the industry is operating satisfactorily there is nothing wrong with that at all. One can peg a mineral claim under the Mining Act, turn it into a lease for 21 years, and renew that lease for a further 21 years without an agreement being attached to it. However, in this case the company has joined forces with the Government in a partnership, each with its responsibilities. The Government will provide certain things for the company, and the company, in turn, will provide other things.

The agreement was negotiated by the company and by the Government in the atmosphere that conservation was one of the important features. I do not think anybody would expect a Minister on this side of the House simply to present an agreement and say, "Here it is. Ratify this agreement because it will be destructive and destroy the souls of everybody in the community." We would not bring such an agreement to Parliament with that attitude in mind.

This agreement has been brought to Parliament in the same spirit as all the other agreements. I might add that a great deal of success has attended the previous agreements. I heard Mr. Dolan say this evening that he had been taken to Barrow Island. A number of people went to Barrow Island with me before there was a hole in the ground and before we even knew that oil would be discovered. However, today Barrow Island has a productive oil industry which is saving Australia, and Western Australia, a great deal of foreign exchange.

The company at Barrow Island is co-operative in spirit and I have heard it said that the company is concerned with conservation and it has accepted Mr. MacKinnon's officers when they have visited the area.

The Hon. G. C. MacKinnon: The company shows very real concern.

The Hon. A. F. GRIFFITH: The company representatives have co-operated and shown the officers around, and as far as I am aware there is no trouble at Barrow Island.

The Hon. J. Dolan: I did not say there was any trouble at Barrow Island.

The Hon. A. F. GRIFFITH: I should have said that someone mentioned the matter; I do not remember who it was.

The Hon. F. J. S. Wise: I can remember being at Barrow Island with the Minister and I think I can also remember him picking up a couple of pennies at the airport.

The Hon. A. F. GRIFFITH: The thought has often entered my mind that when this Government was elected in 1959 we said we would make land available for agriculture. An area of 1,000,000 acres was made available each year, and conditions were imposed on the people who obtained that land to make sure they cleared the land, fenced it, pastured it, and constructed buildings on it.

So far as the environment is concerned nothing is more destructive than farming. I ask members not to get the wrong impression about this: it is one of our important primary industries which every country in the world must have. So we cleared our land, planted our crops, and harvested them. Bulldozers can clear land for farming but for some strange reason not very much is said about that clearing. However, if one talks about mining a piece of the country there is great protest because of the possibility of destroying that piece of ground. Mining can destroy ground to a far lesser extent than agriculture, in my humble opinion.

I think members should accept the spirit behind this agreement. The representatives of the two companies—Alwest and B.H.P.—are most co-operative. In fact, one of the principals behind the Alwest company is Mr. Murdoch, who is one of the world's leading conservationists.

The Hon. F. R. H. Lavery: That sounds very good.

The Hon. A. F. GRIFFITH: That is the sort of man we start with. The company has already approached my colleague, Mr. MacKinnon, although he has not yet assumed his important function of Minister for environmental control. In my dealings and negotiations with the representatives of the company I found that they are the sort of people who will work in close co-operation with the Government in the development of their project.

If the co-operation has a tendency to fall away it is up to the Government of the day to do everything possible to ensure that the co-operation continues. I have found that people associated with these mining projects have a realisation of the problems relating to conservation and destruction of the environment.

Of course, mining must destroy to some extent. Mr. Clive Griffiths asked me to give him a reassurance concerning clause 12 of the agreement. Clause 12 spells itself out and sometimes the honourable member can read better than I can. I think the clause is framed in the atmosphere of getting the company to go to the Conservator of Forests. If one studies the clause one will see that the Forests Department officers are drawn in. The Conservator of Forests himself is drawn in, and the point I would like to make—and it is very important—is that the total area is a temporary reserve; that is, apart from the private land portion which was explained in fairly considerable detail when the Bill was introduced.

It is important to realise that the areas of forest country now come under the control of this agreement. Surely there is safety in the fact that the temporary reserve is included under the provisions of this agreement and nobody else will be able to peg it. I think that is quite important because we know that in the development of the area the State acknowledges that the company, for the purposes of its operations under this agreement, will need to enter upon and remove overburden from areas of State forests and land within the mining lease. So the company and the Government are conscious that this may have to be done.

The Hon. R. F. Claughton: It surprises me when the Minister for Mines is more competent to administer the area and can achieve more for the protection of the physical environment.

The Hon. A. F. GRIFFITH: The remark of the honourable member does not surprise me. The Minister who is in charge of the protection of the physical environment will enter into the matter and have an effect on this agreement in accordance

with the provisions of the Act. I am obliged, if I think the environment is likely to suffer, to confer with Mr. MacKinnon on this point.

The Hon. W. F. Willesee: You will be acting in a supervisory capacity.

The Hon. A. F. GRIFFITH: The other evening, when the conservation Bill was being discussed, some members said that Mr. MacKinnon did not have much power, but now they say he has more power than he was supposed to have had the other night. I need not say much more on that.

I think the agreement should be accepted on the basis that it will be of great benefit to the State. As long as I have been in Parliament—and it is now getting to be a long time and nobody need say it is coming to an end—

The Hon. J. Dolan: You are a thought reader.

The Hon. R. F. Hutchison: That is something about which you cannot be sure.

The Hon. A. F. GRIFFITH: No; one cannot be very sure about that. I agree wholeheartedly with Mrs. Hutchison on that.

The Hon. W. F. Willesee: That youthful face will be missed.

The Hon. A. F. GRIFFITH: It will not be missed. I cannot believe that Mr. Willesee would want to see me anywhere else but here for another three years. For a brief moment I was put off my train of thought, perhaps even thinking that Mrs. Hutchison might vote for me. I was about to say that it is the responsibility of every political party, no matter which one comprises the Government, to do the best it can in the interests of the people of the State to further the State's interests; to create opportunities for employment for the young people of the State; to go ahead as far as it can with the development of Western Australia, and this is what this Government is doing.

As far as I can remember every political party has always advocated decentralisation and spoken of getting people to live away from the city. The cry has been "If we become the Government, this is what we will do." Well, we are the Government, and this is what we are doing. This is decentralisation by the establishment of a very important industry at Bunbury. It will go right into the depth of the south-west where it is needed. It will give country towns much needed support. Coal might well be the fuel that will be fed into the furnaces of this plant. This will give a boost to Collie that we have been trying to give in one way or another for some time.

I thank members for their contributions to this debate. It has been very interesting to hear the different points of view. I would like to mention that when it is said that it is the job of the Under-Secretary for Mines to promote mining and the task of the Conservator of Forests to carry out his functions in the Forests Department, it is also the task of Governments to co-ordinate all these matters. I am quite sure that this Government and all its Ministers are very conscious of the atmosphere surrounding the subject of conservation, and this agreement was brought forward with the full knowledge that it will be brought under the eyes of those who are interested in conservation, in ecology, and in the whole process of preserving the State's natural environment. But superimposed upon that we have to have industry, and to clear land to develop farms so that the people can be fed. We have to have industry so that the economy can be balanced.

When these industries conflict one with the other, it is the job of sensible Ministers to create this balance and to keep in the right proportion those companies that form part of the development. It is the job of Ministers to keep all aspects of development working close together. I am quite sure, from long experience of satisfactory partnership between private enterprise and Government enterprise, that this has brought great benefits to the people of Western Australia.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.53 p.m.]: I move—

That the Bill be now read a third time.

THE HON. R. THOMPSON (South Metropolitan) [10.54 p.m.]: If he can, I would like the Minister to tell us about the resumptions that are envisaged as I have no knowledge where the resumptions will take place.

The Hon. A. F. Griffith: On the company's basis?

The Hon. R. THOMPSON: Under the Public Works Act.

The Hon. A. F. Griffith: Are you referring to page 26?

The Hon. R. THOMPSON: I am speaking of the resumptions that will be made under the clause appearing on page 7 of the Bill. We have had no indication of where the resumptions may take place or the extent of them. We do not know whether vacant land or farm land will be resumed.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.55 p.m.]: I am not completely sure of my facts when I say that I think the company has in mind the areas of land it will require to obtain by negotiation. I think it is safe to say that certain parts of the State may be buzzing as a result of conjecture on where things may go. The resumption clause is really a safeguard. If the company makes its arrangements and is able to purchase a certain acreage of land, but some person continues to sit in the middle of it depriving the State of an industry, a stage must be reached where the Government will move in and compulsorily acquire that piece of land. But it does not seem that this shall be done unless it is absolutely necessary.

Question put and passed.

Bill read a third time and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.56 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 10.57 p.m.

Legislative Assembly

Wednesday, the 25th November, 1970

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

PUBLIC ACCOUNTS COMMITTEE: ESTABLISHMENT

Amendments to Standing Orders: Governor's Assent

THE SPEAKER: I have been advised by His Excellency the Governor that on the 24th November he did approve of the amendments to the Standing Orders in relation to the appointment of a Public Accounts Committee.

QUESTIONS (30): ON NOTICE

1. RAILWAY EMPLOYEES

Court Convictions: Dismissals

Mr. BRADY, to the Minister for Railways:

(1) Is it still the policy of the railways to dismiss employees for a conviction in the Local Court?

(2) Does this policy also relate to convictions in the Children's Court?

(3) Are there any appeal rights to adults or juniors dismissed for convictions in either the Local Court or Children's Court?

(4) If "Yes" what are the rights of employees?

(5) If (3) is "No" will some action be taken to allow employees to have right of appeal against dismissal in either case?

Mr. O'CONNOR replied:

(1) It is not the policy of the Railways Department to dismiss employees for a conviction in the local court unless they receive long gaol sentences and usually in these cases re-employment would be favourably considered on release.

(2) No. Minor traffic offences and the like are disregarded but juniors convicted for offences which if they were over 18 would be dealt with in a court dealing with breaches of the Criminal Code are considered on their merits.

This is a relaxation of the policy of some years ago but dismissals still occur; e.g., in the case of stealing from the department or another employee.

(3) Yes.

(4) Employees with three months' service or more can appeal to the Railway Appeal Board under section 73 of the Government Railways Act and all employees can appeal to their head of branch and or the commissioner.

Apprenticeships cannot be terminated without the approval of the Industrial Commission except by mutual consent.

(5) Answered by (3).

2. ELECTRICITY TRANSFORMER

Middle Swan: Complaints

Mr. BRADY, to the Minister for Electricity:

(1) Has he or his department received complaints from residents of Leslie Road, Middle Swan, regarding proposed erection of a State Electricity Commission transformer in the area?

(2) In view of the depreciation to residential values due to the industrial works already established, will residents be compensated by the State Electricity Commission if further depreciation results from the installation of the transformer?

Mr. NALDER replied:

(1) No.

(2) No, but the commissioner will take good care with the arrangement and landscaping to ensure that the appearance of the substation will be in harmony with the surrounds.