Mr. BICKERTON: The previous Government had created this situation, and we were left to do something about it. Every move made by the Premier in an endeavour to rectify the sins of the previous Government has been—

Mr. O'Connor: Do you spell that "wrecktify"?

Mr. BICKERTON: —criticised by the Opposition. It realises that it did the wrong thing and it should have adopted an alternative method to raise matching money.

Mr. O'Connor: It was the right thing to do.

Mr. Hutchinson: You do not know what you are talking about.

Mr. O'Connor: I will second that.

Mr. BICKERTON: The Premier would not be in the position he is in today had the 1965 legislation not been passed. The then Opposition was prepared to support the previous Government in an endeavour to raise the money by an overall increase on registration.

Mr. O'Connor: That would have been quite unfair.

Mr. BICKERTON: We are now stuck with the situation, and we are in the position—

Mr. Hutchinson: What about the interstate hauliers?

Mr. BICKERTON: —that whatever move the Government makes to rectify the stupidity of the actions taken by the previous Government the present Opposition will not support it. All that the previous legislation accomplished was to fill our gaols as quickly as possible.

Several members interjected.

Mr. O'Connor: You do not know what you are talking about. You are out of your depth.

Mr. BICKERTON: I know you do not like facts.

Mr. O'Connor: Will you give us some?

Mr. BICKERTON: At the time the road maintenance tax legislation was before the House, we told the Liberal Party what would happen. Our prophecy has come true.

Mr. Gayfer: Why does not the legislation before the house contain a provision for scooter and car licensing?

Mr. BICKERTON: I thank the honourable member for interjecting. I nearly left the Country Party out of it. At the time I could not understand why the Country Party fell for this legislation and supported the Liberal Party. Certain vehicles were exempted under the provisions of the legislation, and the farmer was led to believe that his vehicles were amongst these.

Mr. Rushton: You should be careful. The Premier will be gagging you.

Mr. BICKERTON: Oh, shut up! The farmer did not realise that he would be caught up in this tax in an indirect manner. It took three or four years for this to be brought home to him. Messages do not always get through to country people as quickly as to those in the city.

Mr. Bertram: You can say that again.

Mr. BICKERTON: After two or three years the farmer realised he was caught up in the road maintenance tax, and that is when he started to squeal. The Country Party should have said, "We want this spread over all vehicles," but it really believed that farm vehicles would be exempted.

Mr. Gayfer: Thank you. Now, if you will answer my question, why does not the legislation before the House contain a provision for increases in scooter licensing and car licensing, and the very things you are talking about? Why spread it over everyone?

Mr. BICKERTON: The Liberal Party counterparts of the honourable member scrambled the egg.

Sir Charles Court: This is pathetic from you, a man who represents an area which badly needs road maintenance.

Mr. BICKERTON: Let us put some sanity into the debate. The previous Government should never have introduced the legislation. If it had not done so we would be miles ahead now. It is up to the Opposition, having made the blunder it did when in Government, to support this legislation.

Sir Charles Court: I have known the Premier help some of his Ministers, but I have never heard a Minister helping the Premier.

Mr. O'Connor: He does not help the Premier, he hinders him.

Debate adjourned, on motion by Mr. Moller.

House adjourned at 10.59 p.m.

Legislative Council

Thursday, the 24th May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS (7): WITHOUT NOTICE

1. EAST VICTORIA PARK SCHOOL

Site

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) How many applications were received by the closing date of the 6th October, 1972, to the Public

Works Department's Australia-wide advertisements inviting applications for the sale and or exchange of the East Victoria Park School site?

(2) Who were the applicants?

(3) Did any of the applicants conform with all the five criteria specified in the advertisement, including the provision of an alternative school site and Perth City Council approval?

(4) If the answer to (3) is "Yes", who were the applicants?

(5) How many applicants had expressed a firm and final interest by the 28th February, 1973, and who were they?

(6) Did the Government offer the school site to an applicant, and if so, which applicant was it and what were the terms and conditions upon which it was offered?

(7) If the answer to (6) is "Yes", and the offeree had proceeded with the purchase of the school site, where was the school to be relocated?

(8) Did an unsuccessful applicant seek the opportunity to purchase the school site on the same terms and conditions as the successful applicant in the event that the successful applicant did not proceed, and if so who was this unsuccessful applicant?

(9) Has the successful applicant advised the Public Works Department that it does not intend to proceed?

(10) If the answer to (9) is "Yes" will the school site now be offered to the remaining interested party on the same terms and conditions?

(11) If the answer to (10) is "No" what are the reasons therefore?

(12) Will the Public Works Department negotiate with the remaining interested party for the sale of the school on the terms which are acceptable to the Government?

(13) If the answer to (12) is "No" what is the reason?

The Hon. J. DOLAN replied:

It must be obvious to every member in the House that I cannot answer the question now. However, I will forward the question to the department and procure an answer as quickly as possible. I will then convey this to the honourable member, if necessary, by correspondence. I hope this will be satisfactory to him, as I am unable to take any other course.

2. EDUCATION

Boarding Allowances: Tabling of Correspondence

The Hon. W. R. WITHERS, to the Leader of the House:

In view of the answer given to a question relating to boarding-away-from-home allowances on the Council notice paper dated the 23rd May, 1973, will the Minister permit me to copy and make public any of the information in the relevant files?

The Hon. J. DOLAN replied:

The answers to the question without notice asked by Mr. Withers, and to that proposed to be asked by Mr. Wordsworth are not yet available, but I hope they will be some time during today's sitting and when they are I will pass them on to the two members concerned immediately they arrive.

3. QUESTIONS WITHOUT NOTICE

Closing Day of Session

The Hon. A. F. GRIFFITH, to the President:

As a result of that answer by the Leader of the House, Mr. President, I seek your guidance. At this stage of the session, particularly on a Thursday, it is the practice that the Government of the day does not answer questions at the commencement of the sitting for obvious reasons.

A question without notice has just been asked and it occurs to me that arising out of the answer to that question it may be necessary for the honourable member who asked it to pose a further question without notice.

I am not suggesting the answer will be unsatisfactory, but let us assume it is. At this point it will be realised that no honourable member in this Chamber has an opportunity to direct a subsequent question without notice in view of the answer that has been given to the first question. We are now in the position that if today is not to be the closing day of the session a similar position may occur next Tuesday if that happens to be the closing day. Therefore, could you give consideration, Sir, towards granting an honourable member the right to ask a further question without notice arising out of the answer to his original question.

The PRESIDENT replied:

The question put to me by the Leader of the Opposition relates to questions without notice. Perhaps if the answer to his original question without notice does not meet with the satisfaction of the honourable member who asked it, I would rule that, subject to the agreement of the House, leave be granted to that honourable member to ask a further question without notice.

4. BRUCELLOSIS

Testing: Albany

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

(1) Does the reply given to my question 9 on the 23rd May mean that Western Australia does not intend to lift its expenditure on Brucellosis eradication by the 10 per cent. laid down by the Minister for Primary Industry when he announced that the Federal Government would increase its contribution to the campaign providing the States accelerated their present efforts?

(2) If not, would the Minister inform the House of the reasons for not accepting the Federal Government's offer of increased funds?

(3) If the campaign is to be accelerated will the Minister outline the proposals?

(4) Under what conditions will the Federal Government introduce its compensation scheme?

The Hon. J. DOLAN replied:

The honourable member was good enough to give me notice of this question, the answer to which is as follows—

(1) No. The State's expenditure on tuberculosis and brucellosis eradication will be lifted by 10 per cent. per annum for each of the next two years.

(2) The State will accept the Federal Government's offer of increased funds.

(3) The objectives of the accelerated brucellosis eradication programme are to intensify the eradication of the disease in infected herds; to further extend the certified brucellosis free herd scheme; to test all herds, by either abattoir or field sampling, within the infected area; to upgrade protected areas to free area status; and to intensify the monitoring of breeding cattle in areas such as the Kimberleys where the cattle are believed to be free of the disease.

(4) The Federal Government's compensation scheme only applies to tuberculosis. The contribution would be confined to cattle which have given a positive reaction to the tuberculin test and are then compulsorily slaughtered. Details of the proposed scheme have not yet been finalised.

5. URGENCY MOTION

Postponement till Later Stage

The Hon. W. R. WITHERS, to the President:

I seek your guidance once again, Mr. President. I have written a letter to you indicating it was my intention to move an urgency motion. If the Leader of the House defers an answer to my question, or gives an answer that is unsatisfactory—

The Hon. J. Dolan: You mean unsatisfactory to you?

The Hon. A. F. Griffith: Of course; it would not be unsatisfactory to the Government.

The Hon. W. R. WITHERS: —and in view of the question asked by my leader, does it mean that I will be able to continue with my urgency motion, with your approval, or can the urgency motion be moved at a later stage of the sitting following the answer I receive to my question?

The PRESIDENT replied:

The question that has been put to me by the honourable member is more or less a "Dorothy Dixer" in view of the position of the House at the moment. Here again, if in the opinion of the honourable member he does not receive a satisfactory answer to his question I am sure that leave would be given to him to move his urgency motion.

6. QUESTIONS WITHOUT NOTICE

Forwarding of Answer

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

Am I to understand from the Minister's answer to my question without notice that there is still a possibility that he will be able to obtain an answer at some time during this sitting of the House, or will no further attempt be made today to obtain an answer and that, in fact, he will

simply endeavour to obtain an answer as soon as possible and forward it to me in writing?

While I appreciate that, if he is unable to obtain an answer today, he has undertaken to obtain one as soon as possible and supply it to me in writing, can I, for the moment, take it that the answer may be available today and that I will receive it today?

The Hon. J. DOLAN replied:

I have not yet seen the questions without notice. I have heard them asked, but if copies of the questions are made available to me I will have them forwarded to the appropriate department and ask that answers be given, if possible, for delivery during today's sitting. If my request can be acceded to I will supply the answers to the honourable members seeking the information. If the answers are not made available, I will do the next best thing and convey them to the honourable members in writing as quickly as possible.

7. QUESTIONS WITHOUT NOTICE

Assurance of Reply

The Hon. W. R. WITHERS, to the Leader of the House:

I am sorry to take up the time of the House, but in view of the statement made by the Leader of the House I wish to have my position made clear. He referred to answers to questions; that is, in the plural. Only two questions have been asked that remain unanswered; one by Mr. Clive Griffiths and one by myself.

In view of the fact that I did supply the Minister with a copy of my question without notice last night, firstly I want to be fully clear in regard to the answer given by the Minister when he referred to only one question asked by Mr. Clive Griffiths.

The Hon. J. DOLAN replied:

We could go on in this way indefinitely. I know the questions that have been asked. The answers to those questions are being framed now, and when they are made available I, in turn, will make them available immediately to those members who asked the questions.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Leave of Absence

THE PRESIDENT (The Hon. L. C. Diver—Central) [11.16 a.m.]: Honourable members, I think most of you are aware that I propose to go to England in the near future and, consequently, I anticipate I will be absent from the State for three months. I therefore ask leave of absence from the House for three months.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.17 a.m.]: I ask leave of the Council to move, without notice, a motion to seek leave of absence for the President.

Leave granted.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.18 a.m.]: I move—

That leave of absence for three months from the 6th June be granted to the Hon. L. C. Diver, President of the Legislative Council.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [11.19 a.m.]: I was a little slow to rise to my feet because I thought the Leader of the House may have one or two supporting remarks to make in relation to the motion he has moved.

I do not want to delay the proceedings of the House, but may I take the opportunity to say to you, Mr. President, that I hope you and Mrs. Diver have a very pleasant, enjoyable, and instructive journey to the old country. I am sure you will gain benefit from viewing the House of Commons and the House of Lords and meeting many people of note and prominence and of interest to you in both your calling as a parliamentarian and President of this House, and also in your calling as a farmer.

I trust that in three months you will return to us in the same apparent good health you now appear to enjoy, and I wish you well in your journey.

Question put and passed.

PRESIDENT OF LEGISLATIVE COUNCIL

Deputising by the Chairman of Committees

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.20 a.m.]: I move—

That during the absence of the President, the Chairman of Committees be authorised to represent the President on the following Standing Committees—

The Library Committee.

The House Comimttee.

The Printing Committee.

Question put and passed.

PARLIAMENTARY DEBATES

Daily Issue and Delivery of Weekly Volumes: Statement by President

THE PRESIDENT: I wish to advise that the Joint Printing Committee has considered the resolution of the Council of the 10th May relating to the daily issue and earlier delivery of Parliamentary Debates, and I have received the following letter from the chairman of the committee—

Dear Sir,

In reply to your letter of 11th May relating to a resolution passed by the Legislative Council (which resolution was attached) on the printing of a daily *Hansard* and the earlier delivery of *Hansard*, I supply the following information:—

> At a meeting of the Joint Printing Committee held on Tuesday, 22nd May, the resolution was given considerable discussion. Following a detailed statement by the Government Printer (Mr. Brown) on the problems of the present near-obsolete printing machinery and the proposed installation of computerised cold type photo type setting machinery, and following a report by the Chief Hansard Reporter, Mr. Cox, on the need to increase staff to produce a daily *Hansard*, the Committee agreed that the Government Printer, or his Deputy, the Chief Hansard Reporter, and a Treasury Officer, subject to the approval of the Treasurer, should visit Canberra and New South Wales to inquire into production, method, additional staff requirements and the costing of all phases in the production of a daily *Hansard*.
>
> Mr. Brown displayed a film on a fast type printing process and indicated that he was prepared to display the film to Members of Parliament at a time convenient to them.
>
> Mr. Brown further reported that a special effort would be made to expedite the delivery of *Hansard*.

Yours faithfully,
D. NORTON,
Speaker, and Chairman,
Joint Printing Committee.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd May.

THE HON. F. R. WHITE (West) [11.23 a.m.]: I rise to support the legislation which proposes to give some form of relief to developers who, in an endeavour to supply serviced land on which the public might build homes, have been levied a very substantial rate on land which they have developed, but have been forced to hold for a period.

I am glad the Government is taking action on this matter because not only has the taxing system compelled developers, in the interests of economics, to reduce or restrict their supply of lots onto the market, but it has also caused the price of blocks to escalate. It is hoped the proposed action will ease these problems.

I am more than pleased that the legislation follows partly along the lines of the recommendations of the Honorary Royal Commission which inquired into the Corridor Plan for Perth. The commission recognised that quite a number of problems existed in this regard, and I will quote some of the statements made by the commission in its recommendations. On page 75, recommendation 12.6(b) reads—

> 12.6 The introduction of legislation to provide for:—
>
> (b) The definition of Unimproved Capital Value to exclude the value of all improvements which have not been provided from public funds (see 11.42).

Recommendation 11.42 on page 74 reads—

> 11.42 Owners of land are being rated and taxed on an unimproved capital value which includes the value of the essential services provided by private capital.

This is placing an unjust burden on owners of land who have been forced to provide capital to make available invisible improvements, as it were, in the form of water and other services to create urgently needed home lots. The commission recommended that the value of the improvements should not be included in the unimproved capital value of the created land, when the development costs have been met by the subdivider and developer. In other words, the recommendation is that we adopt the legislation which exists in Tasmania.

The Bill before us will grant some degree of relief to the developers, even though it will be only a small relief. We hope the result will be a lowering of the value of land, but the reduction in the price will be small. Until the Government adopts the recommendation of the Honorary Royal Commission to follow the Tasmanian procedure for determining unimproved capital value, I cannot see any great benefit being derived. However, with those few words I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.27 a.m.]: I thank Mr. Medcalf and Mr. White for their contributions to the debate. The queries raised by Mr. Medcalf I will have conveyed to the appropriate authorities

and probably it will be possible for a written reply to be sent to him at some time in the future. The matter raised by Mr. White will be considered by my officers.

With those few words I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

LAND AGENTS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.32 a.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to give discretion to a Court of Petty Sessions to renew a land agent's license which has lapsed within 12 months prior to the date of hearing.

Recently land agents operating in the Albany district found it impossible to renew their licenses for the year, 1973. In some instances applications had been lodged with the court within the prescribed period. Following past policy these applications would have been processed early in the new year. However, a recent decision of the Supreme Court held that it was not possible to renew a license which had expired.

Whilst there may have been an obligation on licensees to ensure their licenses were current, it can be expected that they would not have been concerned in this instance having regard to the previous practice.

There are other occasions when it would be reasonable for the court to have power to deal, if it thinks fit, with applications that are outside the prescribed time. For example, an agent may be absent on leave or for other purposes and the prescribed period is passed before an application can be made. In these circumstances, it is unreasonable to expect the agent to have to make an original application for a license which involves considerable costs and delay. I commend the proposed amendment which will give the court discretion to deal with applications for renewals made within 12 months after a license has lapsed.

Debate adjourned until a later stage of the sitting, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

(Continued on page 2193).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Assembly without amendment.

PUBLIC SERVICE ACT AMENDMENT BILL

Second Reading: Defeated

Debate resumed from the 23rd May.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [11.35 a.m.]: There are now two Bills before the House to amend the Public Service Act. The measure under discussion seeks to place on the Public Service Board at a certain time a representative of the State Civil Service.

We all know that, until 1970, all administrative matters, including employment, in connection with the Civil Service were carried out by the Public Service Commissioner and his staff. In 1970 the Government of the day amended the Public Service Act—in fact, almost a new Act was produced—to provide principally for the appointment of a Public Service Board to carry out functions which had previously been carried out by the Public Service Commissioner.

At that time the Civil Service Association made strong recommendations to the Government of the day that a representative of the association should be a member of the board. As members know, I was a member of the Government at the time and we certainly gave serious consideration to the request made by the Civil Service Association but declined to accept the proposition for reasons which we gave to the Civil Service Association.

If my memory serves me correctly, when the measure to establish the Public Service Board was brought before the Parliament the Opposition of the time moved an amendment which, had it been passed, would have given effect to the request of the Civil Service Association. From memory, the amendment was rejected.

In order to elicit our support for the measure under discussion the Leader of the House said that there has been Civil Service representation on the Public Service Board in Victoria for many years. I understand that this is, of course, the case. However, I also understand that the situation in respect of the administration of

the Victorian Civil Service is somewhat different from that which applies in Western Australia.

In this State the Public Service Board carries out all the administrative functions of the Civil Service as well as questions of appeals but I understand the two functions are separate in Victoria. In that State ordinary administrative matters are dealt with by one section of the board and appeals are handled by some other process. Instead of having one person on the board to handle appeals I understand the Victorian legislation provides for a number of people, who come within various categories, to be members of the board. Consequently an appeal concerned with one particular category of employment is dealt with by a suitable person appointed to the board, because the Victorian Act provides for this to be done. If there is an appeal in respect of some other category of the Civil Service another person may be selected. In other words, I suppose it could be said that a person who goes before an appeal board is judged by his peers.

The measure under discussion provides that a representative of the Civil Service Association would be the one man who was constantly employed as a member of the board. I do not intend in any shape or form to cast aspersions on any member of the Civil Service who may be appointed to the board in the event of the measure becoming law. I would like to make that perfectly clear. However, I suggest that quite embarrassing situations could arise on occasions when the board sits to consider an appeal in connection with the employment of a very senior person.

I do not think I need really go any further than that. I feel it would be unfair and improper to embarrass the Civil Service representative on the board by placing him in a position in which he must be one of the judges who makes a recommendation to the Government of the day on senior appointments in the Civil Service.

For that reason, and for that reason alone, I think it is an undesirable situation to contemplate. The same situation arose in 1970 when we, as the Government, were asked to contemplate the Civil Service Association having a representative on this board. Personally I cannot change my views on the matter because I feel that the same set of circumstances that prevailed in 1970 still obtain today.

Accordingly, and without unnecessarily labouring the point, I am obliged to say to the Minister that I am sorry I cannot agree with the contents of the Bill, and I am therefore opposed to it.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [11.42 a.m.]: The Leader of the Opposition is quite right in what he says about the Victorian Appeal Board as it applies in that State. I have not a great deal of knowledge of that situation.

The Hon. A. F. Griffith: I am sorry. I thought Mr. Dolan introduced the Bill.

The Hon. R. THOMPSON: No, I did. The Leader of the Opposition has rightly pointed out that in Western Australia there are three people who administer the Civil Service in Western Australia.

The Hon. G. C. MacKinnon: You are very difficult to hear.

The Hon. R. THOMPSON: The three people who administer the Civil Service in this State are Mr. R. H. Doig, the chairman; Mr. J. B. Crook, the deputy chairman, and Mr. E. P. Shaddick, who is the commissioner.

The intention of the Bill before the House is not to dispose of anybody in the Civil Service; as one member retires the Civil Service Association will be invited to submit four names to the Government of the day, which would then make an appointment and the appointee would in actual fact become the commissioner; not the chairman or the deputy chairman but, in the first instance, the commissioner.

I realise the previous Government did not go along with this idea when the Act was amended in 1970. The Leader of the Opposition mentioned it would not be desirable to have the Civil Service Association representative determining the appointments of top civil servants.

I would point out, however, that this practice has been in operation in Western Australia for many years. We have had the appeals tribunal of the Education Department and there is union representation on this tribunal. I do not think there has ever been any great conflict in this connection, and I have read of hundreds and possibly thousands of appeals that have been put out in the Teachers' Journal.

The Hon. A. F. Griffith: We have that on the Public Service Appeal Board now. You have a representative.

The Hon. R. THOMPSON: I realise this, but the Leader of the Opposition raised the point that things would be most difficult if we placed such a representative on the board in Western Australia.

The Hon. A. F. Griffith: There is already provision for a representative to be on the board to hear appeals. I am talking about placing a representative on the board as an administrative person.

The Hon. R. THOMPSON: I am merely pointing out what happens in Western Australia at the present time; and this happens in Victoria where similar circumstances obtain.

The Hon. A. F. Griffith: You have two different sets of circumstances in Victoria.

The Hon. R. THOMPSON: Employee representation is something that is gaining momentum throughout the world, particularly as it relates to management in the more progressive nations—and this is the case even in America—where employee representation is invited on boards because it is felt that this assists in promoting better management relationship.

It is most desirable to have the Civil Service directly represented on the board itself, because such representative would know the functions of the board and would be able to offer the type of assistance required.

The Civil Service Association will not have a majority on the board. There will still be three members of the board, only one of whom will be a representative from the Civil Service Association. I think this resolves itself into a matter of our being either straight-out opposed to the proposition or in favour of it.

I am all for it, because I believe that employee representation—even where it is applicable in this State at the moment—has done a very good and responsible job. Such representation has accepted the task allotted to it and I do not think that partisanship has played any part in its determinations and deliberations. Accordingly I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes—12

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

Noes—13

Hon. G. W. Berry	Hon. F. R. White
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. Clive Griffiths	Hon. F. D. Willmott
Hon. J. Heitman	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. V. J. Ferry
Hon. T. O. Perry	*(Teller)*

Pair

Aye	No
Hon. W. F. Willesee	Hon. N. McNeill

Question thus negatived.

Bill defeated.

PUBLIC SERVICE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 23rd May.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [11.51 a.m.]: As the Minister explained, this Bill will give civil servants four weeks' annual leave in lieu of three weeks. Personally, I have no objection to the basic principle the Bill seeks to establish. However, I am inclined to ask the Minister a question in relation to the operation of the granting of four weeks' leave instead of three. Proposed new section 52(1) states—

> (1) On and from the first day of January, nineteen hundred and seventy-two, each officer is entitled to annual leave of absence for recreation for four weeks on full pay.

You will observe, Mr. Deputy President, that those words back date the application of four weeks' leave to the 1st January, 1972. I would like the Minister to tell me what leave will be received by public servants with regard to the period from the 1st January, 1972 to the 31st December, 1972.

I pose a further question to him. If the leave available to a public servant during that period is less than that provided by the Bill before us, will a public servant have additional leave added to the four weeks to which he will be entitled in 1973 after the passage of this Bill? Does the Minister understand what I am trying to establish?

The Hon. R. Thompson: Yes.

The Hon. A. F. GRIFFITH: A person who took his leave between the 1st January and the 31st December, 1972 was allowed three weeks' leave. Therefore, in respect of that year his annual leave entitlement was fulfilled according to the Act.

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: Clause 2 makes the provision retrospective to the 1st January, 1972. So to how much leave will a public servant be entitled if he goes on leave at any time subsequent to the passing of this legislation? Apart from those queries I see no purpose in prolonging the debate on the Bill. I support it, but I think it is as well that the questions be answered.

THE HON. L. A. LOGAN (Upper West) [11.56 a.m.]: I am not opposed to the measure; however, I think it is time somebody started to think about the effect on Government departments of increased long service and annual leave. Public servants receive long service leave after seven years, and now they are to receive four weeks' annual leave. In addition, under another Bill before us sick leave entitlement will be increased. I do not know how some departments will operate if their top men are absent for long periods.

I think it is time we seriously considered this matter. Only recently I spoke to a departmental officer who is on long service leave. One of his top officers has already completed three months' long service leave and is now due to take more leave next month. So two top officers of the department in question are away. It could quite easily be the case that three or four senior officers would be away at the same time.

I think we should consider the question of why people do not seem to want to work. The attitude of some people is that they want to be off work all the time. If this matter is not considered Government departments will run into trouble.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [11.57 a.m.]: I thank members for their support of the Bill. With regard to the question posed by the Leader of the Opposition my understanding is that this Bill will affect only those public servants who take their annual leave in 1973. Public servants must take their leave in the year in which it accrues; so if I understand the situation correctly they will be eligible for four weeks' leave in 1973.

The Hon. A. F. Griffith: Are you saying that a member of the Civil Service must take his leave in the year in which it accrues?

The Hon. R. THOMPSON: According to the notes with which I have been supplied they usually take their leave in the year in which it accrues.

The Hon. A. F. Griffith: Are they obliged to do that?

The Hon. R. THOMPSON: I do not think so. However annual leave accrued prior to the coming into operation of this Bill is at the rate of three weeks per year, and that is all a public servant is entitled to. The starting date for the four weeks' leave is the 1st January, 1973. It is my understanding that if a person started work in December, 1972—that is the year in which he commenced work—therefore, he is entitled to four weeks' annual leave.

The Hon. A. F. Griffith: He is only entitled to that if he has been there a full year.

The Hon. R. THOMPSON: That is right; he would be entitled to a proportion of that amount of leave. However, as from the 1st January, 1973 he will be accredited with four weeks' annual leave.

The Hon. A. F. Griffith: Tell me about a person who starts work on the 1st January, 1972.

The Hon. R. THOMPSON: According to my notes, by administrative action it has been provided that Government employees who commenced to accrue annual leave on or after the 1st January, 1972 become due for four weeks' annual leave on completion of 12 months' service on the 31st December, 1972, or thereafter. If we refer to the Bill we find that it states, "On and from the first day of January, nineteen hundred and seventy-two, each officer is entitled to annual leave . . . "

Evidently the 1st of January is the starting date of their leave entitlement. They begin to accrue leave from that date, and naturally they must take their leave in 1973. So, officers who have leave entitlement for 1972 and who take their leave in 1973 will be granted leave in accordance with the provision in clause 2 of the Bill which is four weeks.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. R. Thompson (Minister for Community Welfare) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 52 amended—

The Hon. A. F. GRIFFITH: The Minister has either misunderstood the question I asked, or he does not understand the Bill. Proposed new subsection (1) of section 52 states that on and from the 1st January, 1972, each officer is entitled to annual leave of absence for recreation for four weeks on full pay.

Let me give an example of an officer who joins the Public Service in June, 1972. He will be entitled to annual leave in June, 1973. How much annual leave will this officer be given—four weeks?

The Hon. R. Thompson: I shall refer that question to the Minister concerned and give the answer at the third reading stage.

The Hon. A. F. GRIFFITH: It appears the Minister does not understand the position. Let me give an instance of an officer who joins the Public Service on the 1st January, 1972. Let us assume firstly that he does not take his annual leave for 1972, and decides to accrue it; and secondly that he decides to take it in 1972. If he takes it in 1972 he is given three weeks. However, because the Bill seeks to give retrospectivity of application to January, 1972, is this officer not entitled to another week of annual leave for 1972? If he is, then when he is due for his annual leave in 1973 he will get four weeks for 1973 and one week for 1972. The Minister does not seem to appreciate that point.

The Hon. R. Thompson: I am handling the Bill for a Minister in another place.

The Hon. A. F. GRIFFITH: I agree with some of the comments made by Mr. Logan. We could have an officer in the Public Service who is entitled to three months' long service leave. He is now entitled to accrue his long service leave up to a period of one year. If he decides to take his long service leave and the accumulation of annual leave he would be able to take 15 months' leave. Under the proposal in the Bill he will be entitled to four weeks annual leave for this year, and with the retrospective application of this provision to last year he will be entitled to another week, so for last year and this year he will be entitled to five weeks' annual leave.

Taking all that into consideration, an officer could have due to him three months' long service leave, an accumulation of 12 months, annual leave, an entitlement to four weeks annual leave for 1973, and an entitlement to one week annual leave for 1972.

The Hon. S. J. Dellar: This officer would need a good bank account to go on leave.

The Hon. A. F. GRIFFITH: This is leave on full pay. I do not begrudge any officer being granted leave, but we have to have regard for the continuity of work in the departments.

The Hon. G. W. Berry: It seems that work is becoming a lost art.

The Hon. A. F. GRIFFITH: There is no doubt that the Public Service is a section of the community on its own. I am in no way casting any aspersion on its members, or on their ability to carry out the functions of government; but it seems to be bad administration on the part of somebody if the head and also the next in charge of a department are permitted to go on such extended periods of leave.

The Hon. L. A. Logan: What would be the position if the four most senior officers of a department are away at the same time? They should not be permitted to accumulate so long a period.

The Hon. A. F. GRIFFITH: Whilst we must have regard for the exigencies of the service, we must also have regard for the continuity of work in Government departments. I do not think the information given by the Minister is quite correct. It is quite important for us to know what will be the position after the provisions in the Bill are implemented.

The Bill seeks to give retrospective application to annual leave, and officers who have taken three weeks' annual leave in 1972 will find that they have five weeks of annual leave due to them in 1973.

Does the Minister propose to report progress?

The Hon. R. THOMPSON: I can only go by what appears in the second reading speech notes. The relevant section reads—

> The leave conditions of permanent officers in the Public Service differ from those of other Government employees in that public servants become entitled to annual leave on a common date, the 1st January of each year.

That is when they become entitled to their annual leave; it does not necessarily follow that they take it at that date. It seems to me that once they have accrued the leave it is necessary to backdate the provision to 1972 so that the leave they accrued last year, and which they will take this year will be on the four weeks' basis.

The Hon. A. F. Griffith: I was wrong in talking about the person who was entitled to leave in June. I now see that he could become entitled to leave in January. However, that does not alter the situation.

The Hon. R. THOMPSON: I will supply an answer to the query. The only difference is that leave is taken at any time after the 1st January in the year in which it accrues.

The Hon. A. F. Griffith: It should be taken in the year in which it accrues.

The Hon. R. THOMPSON: In such a case it is partially in advance of the accrual. Leave which accrued in 1972 could and in most cases would—have been taken in 1972. The speech notes continue—

> To ensure that Government employees actually received four weeks' annual leave in 1973 it was necessary to apply the four weeks in respect of service in 1972.

Those people who were entitled to leave in the period from the 1st January, 1971, to the 31st December, 1971, received three weeks' annual leave. People who were entitled to leave during the period 1st January, 1972, and the 31st December, 1972, would be entitled to four weeks' leave.

The Hon. A. F. Griffith: That is the whole point.

The Hon. R. THOMPSON: We are dealing with three sets of people and this is where some of the confusion may have occurred. I will obtain a copy of what has been said as quickly as possible and get an opinion on what has been stated.

The Hon. G. C. MacKinnon: There are some public servants who, because they do not receive public holidays and do shift work, receive five weeks' annual leave at the present moment. Nurses get six weeks through their award because of their shift work. A number of public servants in different sections—and I know some are in the department controlled by the Minister for Community Welfare—receive additional holidays. Will those people automatically be given an additional week?

The Hon. R. THOMPSON: I understand that to be the situation. I know my officers do additional work for which they receive no remuneration. Many of them give their time freely. I do not think this Bill will alter the principle applying to those people. We would have to refer back to the Act because the Bill now before us will alter the provisions inserted in 1963. I do not think it will interfere with the previous arrangement.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by The Hon. R. Thompson (Minister for Community Welfare).

(Continued on page 2170).

MARGARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd May.

THE HON. G. C. MacKINNON (Lower West) [12.18 p.m.]: This is a measure which comes before this House from time to time and the reason for it coming here, basically, is that the quotas for manufacturing margarine have to be set. The purpose of this measure is to increase the quota. The Bill also deals with one or two other matters which I will subsequently deal with.

It is interesting to note the history of margarine in this State. The first debate, concerning margarine, occurred in 1887 and at that time it was referred to as butterine. Purely as an aside, it is interesting to note that the debates in those days were written in the third person—perhaps a more polite way to record debates in those days; I do not know.

The same arguments which ensued then ensue now, except that in those early days the product was referred to as a "new substitute", "a false product", and the like. However, the question of its effect on the dairying industry was a matter of hot debate in 1887 and, indeed, at that time there was reference to countries which had placed a total ban on what we now know as margarine. The reason for the debates on the earlier Bills was the effect of margarine on the dairying industry, and the same arguments apply today.

I notice that there have been accusations to the effect that all sorts of vile things will happen as a result of a factory being allowed to be established in Canberra to manufacture margarine. The claim has been that the factory established in the Capital Territory can manufacture margarine and export it to the other States. As the quota is only 300 tons, I doubt that it will have much effect.

In recent years the matter has been made more complex because of a belief expounded by a number of eminent specialists that the eating of dairy products induces cholesterol in the arteries and leads to heart disease. I notice that as late as the 22nd May there was a call for the repeal of the margarine laws by Professor R. B. Blackett. Despite the eminence of the men who propound this side of the case, the question has not yet been determined.

I was interested to see on television the other day a peer of the realm in the United Kingdom, who is also a professor, arguing contrariwise. He pointed out that man was a rather adaptable creature and could in fact survive many of the things which were said to be injurious to his health. I have a sneaking idea that when we live on a reasonably well-balanced diet the fears that have been felt with regard to the eating of dairy products are found to be vastly overstated. If one lived entirely on meat and fat products, one would become as fat as a whale; but if one takes a normal amount of exercise and eats enough greenery, one is all right. Most of us here are considered to have eaten far too much meat and dairy produce all our lives, but I am impressed by the healthy look of members in this Chamber.

The Hon. D. J. Wordsworth: The experts have opposing views.

The Hon. G. C. MacKINNON: They all take their turn. The gentleman to whom I referred was quite an animated television subject. He spoke of cyclamates and said the bladders of rats were stuffed with cyclamate tablets until one developed a hole in its bladder and the researchers said therefore cyclamate was likely to be injurious to human beings. Of course, human beings do not consume cyclamates to that extent.

I have personally seen people who eat a lot of rubbish, and a number of them survive, anyway. I have always had some doubt about the belief that it was dangerous to eat butter. If one stuffed it down one's neck as food is stuffed down the necks of geese to produce *pâté de foie gras,* it might be dangerous; but I have seen people who have eaten a lot of butter all their lives and they seem to be pretty healthy.

The margarine quota for Western Australia has been increased from 800 tons to 1,400 tons, or 1423 tonnes, which allows for an increase in population and takes into account a decreasing use of spreads—butter, margarine, and the like. I suppose that is natural. Very poor people tend to set a high value on fats, and as one becomes more affluent one sets less value on fats and eats less of them.

The dairy industry, in the main, is not unhappy about the increased quota. In Western Australia we do not produce sufficient dairy products for our own requirements, so if margarine is manufactured in Western Australia, as it must be, it does not affect the production of dairy products in this State. One would suppose it will operate against the importation of dairy produce from Victoria and South Australia because we import a considerable quantity of butter from other States, being at the present time unable to produce sufficient to meet our own needs. So the increased margarine quota in Western Australia will not act against the production of butter in this State. Therefore, I intend to support the measure. That is one of my reasons for doing so.

Another reason is that a number of people for one reason or another prefer a polyunsaturated margarine and I think they should have the right to buy it if either in fact or in belief they need it.

This leads me to the second stage of the measure, which tightens up the advertising, packaging, and so on of margarine. There is a new definition regarding manufacturing margarine, which must

consist of between 75 per cent. and 90 per cent. of mutton or beef fat. Many of us have seen advertisements in which margarine is labelled as being spreadable and the like, and nobody was quite sure whether it was cooking margarine consisting of animal fats or whether it was margarine made of vegetable fat. In future margarine which is labelled and sold as polyunsaturated table margarine must consist entirely of seed oil.

Here again we come to another changed attitude. Margarine is in fact a product of agricultural industries because people are producing the oil seeds for it, and even the tallow, beef and mutton fat, from which cooking and manufacturing margarine are made, are produced locally. I understand a price rise is being sought at the present time, mainly because of the increased price of those fats. The rise is likely to be up to 3c because the cost of tallow, oils, and other fats has risen sharply. I suppose wages also come into it.

The Bill also allows the Government to regulate for the inclusion or exclusion of colouring matter. In some countries it is specified that margarine shall be coloured —sometimes with rather odd colours—and in other countries it is specified that margarine shall be uncoloured. In the latter case, a little packet of colour is sold with the margarine, and one kneads it into the margarine to make it whatever colour one likes—generally yellow. Provisions are contained in the Bill to regulate this matter.

Penalties have been increased. The last time the Act was amended was in 1952, when quotas were altered, and in the main the penalties were fixed in the 1940s and are expressed in pounds, shillings, and pence. They have been converted into decimal currency and have been sharply increased. One amount which is increased from £5 to $500 is not a penalty; it relates to licensing under the Dairy Industry Act which is to be repealed.

Certain safeguards are built in with regard to the issuing of licenses, and it has also been decided—I think wisely—that it will no longer be necessary to bring this legislation back to Parliament in order to change the quotas. Quotas are changed after deliberation by the Agricultural Council. They are set for Australia as a whole and allocated between the various States. The last alteration was made in 1952, since when there have been big changes in the population.

It has been decided that in future the alterations will be made by notification in the *Government Gazette*. I believe this is a reasonable proposition. The quality is now set out, and special provision is made in regard to the maximum quantities and the manner of packaging in order that manufacturers' margarine cannot be packed in bundles of less than 6 kilograms, which will prevent this type of margarine being packed in cartons resembling table margarine. It must also be labelled to inform purchasers that it consists of from 75 to 90 per cent. animal fats.

In the same way, the manufacturers of polyunsaturated margarine must indicate on the label that the margarine is made completely from vegetable oils. I wonder—and I suppose this has been carefully checked—whether it is possible under the Constitution to ensure that the manufacture of a product is purely for export and not for sale in other States. I have always had a sneaking idea once an organisation is permitted to commence manufacturing in a State, under the Australian Constitution such an organisation could not be prevented from selling its products in another State. Nevertheless, provision has been made in this legislation for special export permits to be issued to the manufacturers of margarine containing milk products, and I suppose this refers to the solids of the milk.

Members are no doubt aware that the buttermilk is squeezed out and the butter itself is washed in the series of processes it undergoes. I understand the buttermilk so removed contains the solids of milk and these have always been considered advantageous to health. It is possible to manufacture a margarine and add these solids and it is a very nutritious item. However, this can only be manufactured and sold outside Australia.

I am sure I have already indicated to members that I support the Bill. I have been in contact with various interested people, and with a representative from the largest manufacturer of margarine in this State. He believes that the provisions in the Bill in regard to advertising are fair and equitable. I have no doubt that some members of the industry do not think so, and I am sure the Association of Margarine Manufacturers would prefer to see these provisions completely wiped from the Statute books. However, I do not believe the time has yet arrived to do this. The legislation before us is a sensible step. It tightens up the law in regard to the sale and distribution of margarine. I support the Bill.

THE HON. R. J. L. WILLIAMS (Metropolitan) [12.34 p.m.]: Unlike Mr. MacKinnon who has just sat down, I find myself in the invidious position that I cannot support the Bill *in toto*. My opposition to the measure is that I object to the principle of quotas. Australia should not be the last country in the world to do away with quotas for margarine when other dairying countries—including New Zealand in 1972—have abolished quotas.

The Hon. G. C. MacKinnon: Are you sure of that?

The Hon. R. J. L. WILLIAMS: I am positive of it. Does the honourable member require documentary evidence or will he accept my word?

The Hon. G. C. MacKinnon: I will accept your word.

The Hon. R. J. L. WILLIAMS: I am obliged to the honourable member. There is no quarrel between the dairying industry and the margarine industry. Mr. MacKinnon informed us that we cannot produce enough butter in this State to satisfy our own needs. In actual fact we import something like 3,000 tons per annum from Victoria. I do not know whom the Government is seeking to protect with this legislation.

I propose to speak very briefly about one or two matters which concern me. First of all, we must be aware that we are restricting the production of a product which is in demand in this State—a polyunsaturated table margarine. The quota of table margarine in this State has been increased from 800 tons to 1,400 tons per annum. However, our legislation in regard to cooking margarine is in line with legislation removed from the Statute books of the State of Wisconsin some years ago, and that State produces far more dairy products than does Western Australia. Margarine, or oleo as it is called there, was permitted in the State only on a strict quota. State officials at the border would pull up motorists to check their boots. The State would not permit the importing of even one pound of margarine.

The Hon. D. K. Dans: Do you mean the boot of the car?

The Hon. R. J. L. WILLIAMS: Well, the trunk.

The Hon. G. C. MacKinnon: It would be a bit squelchy otherwise.

The Hon. R. J. L. WILLIAMS: This legislation seeks to destroy the consumer appeal of cooking margarine, whereas it is as nutritious as other margarines. I do not propose to go into details in this regard, but I have a table here which illustrates the fact. The legislation will prohibit all claims regarding the nutritional quality of cooking margarine, whether truthful or otherwise. The result will be to limit severely the manufacturers of cooking margarine, and it will allow the manufacturers of table margarine to receive the full benefit of the increased quota of 54 per cent.

As far as I can ascertain, there is no quarrel with the provision that only vegetable oils manufactured in Australia may be used in the preparation of margarine. However, this will prevent the manufacture of one brand of margarine which is made from saturated fats and coconut oil imported into the State. I do not wish the Australian market to be disadvantaged, but I do not believe the oilseed growers are concerned in regard to the import of the products to which I refer.

Margarine is defined in the legislation, but its output is limited. This is contrary to a matter Mr. MacKinnon touched on—the recommendation of the National Heart Foundation. I agree with his comments that we are frequently told research has proved that this is wrong and that is wrong; we should not eat this and we should not eat that; and sometimes we read that some of us can tolerate one thing and some of us cannot.

The *Australian Medical Journal* of the 19th May, 1973, contains an article by Professor Blackett. This is the gentleman to whom Mr. MacKinnon referred. He has conducted experiments with over 700 people, and he seems to have proved to his satisfaction—I am in no position to judge the efficiency of his research or to validate the tests he carried out—that a person who switches to polyunsaturated margarine instead of eating butter stands a fair chance of not suffering a coronary occlusion, the disease causing the biggest percentage of deaths in Australia today. America has accepted similar research and it has repealed all laws regarding margarine. It is interesting to note—and this is shown in the graphs—that the incidence of coronary disease in America has actually started to go down.

The Hon. G. C. MacKinnon: Do you realise if you defeat this Bill—

The Hon. R. J. L. WILLIAMS: I do not intend to vote against it.

The Hon. G. C. MacKinnon: —the quota will remain at 800 tons.

The Hon. R. J. L. WILLIAMS: I am merely expressing opposition to the principle.

The Hon. G. C. MacKinnon: That is to the Act, not to the Bill?

The Hon. R. J. L. WILLIAMS: To the Act and to the Bill.

The Hon. G. C. MacKinnon: But predominantly to the Act?

The Hon. R. J. L. WILLIAMS: Yes. I would be failing in my duty if I did not draw these things to the attention of members. These matters have been brought to my attention and I sincerely believe the opinion put forward that a person switching to polyunsaturated margarine does not immediately clear out his arteries. The build-up does not automatically disappear overnight.

It is estimated by the rival medical authorities that a diet of seven years will clean out the arteries if one is very careful. Be that as it may, I am not in any position to judge the validity of those

claims. What does concern me is that the cooking margarine manufacturers are to be restricted in regard to their methods of advertising. Even if they claim that the nutritional value of cooking margarine is equivalent to polyunsaturated table margarine or butter they will not be allowed to say so in their advertisements. I think this is one part of the Bill which is illegal and I will try to give the reasons why. I have here an opinion given by two Q.Cs. It is dated the 9th April, 1973. This opinion was given following an attempt to control radio and television advertising in the various States of the Commonwealth. In the latter part of this opinion the following appears—

> In these circumstances, we are of the opinion that the provisions of the Bill for the Dairy Industry (Amendment) Act 1973 which is currently before the Parliament of the State of New South Wales will, to the extent to which they purport to regulate the content of televised and broadcasted advertisements of margarine, be void and ineffective by reason of the provisions of Section 109 of the Commonwealth Constitution.

I believe this is a matter which should be investigated, because this opinion definitely states that the relevant clause in the Bill would be *ultra vires* of the Commonwealth Act. The Commonwealth Broadcasting and Television Act, 1942, controls advertisements relating to cigarettes that are shown on television, and therefore I cannot see that in this Bill we can have a clause of a similar nature, but perhaps the Minister will be able to obtain some information to ascertain whether this is so.

The Hon. G. C. MacKinnon: We have no control over television advertisements.

The Hon. R. J. L. WILLIAMS: This Bill seeks to provide that manufacturers cannot advertise so it is *ultra vires* of the Commonwealth Act.

The Hon. G. C. MacKinnon: It is a matter for Commonwealth control.

The Hon. R. J. L. WILLIAMS: The Bill seeks to prevent misleading advertisements, but it also seeks to prevent the advertising of the claims made by manufacturers in regard to their products.

As to the question of additives being removed from margarine entirely, this is contrary to what goes on in the rest of the world. Mr. MacKinnon is quite correct when he stated that this was done. However, I wish to correct him in only one respect. If a perusal is made of the publication *Recommended International Standard for Margarine* issued by the Food and Agriculture Organization of the United Nations—which is a part of the World Health Organization—issued in 1970, there will be found the recommended standards which have been adopted by most countries of the world for the production of margarine. In Australia we do not recognise this standard.

The Hon. G. C. MacKinnon: The adoption of that standard does not necessarily mean that it is put into practice in that country. Do not be misled on that.

The PRESIDENT: Order, please!

The Hon. R. J. L. WILLIAMS: I am not being misled on anything. I am only saying that that is the standard that has been set by this world organisation.

The Hon. G. C. MacKinnon: That is what they are recommending.

The Hon. R. J. L. WILLIAMS: Yes, and this standard has been adopted by most countries of the world except Australia.

The Hon. G. C. MacKinnon: That still does not mean that Canada or the United States of America have changed their legislation and accepted that standard. It does not amount to a row of buttons.

The Hon. R. J. L. WILLIAMS: Any honourable member who so desires can borrow this publication from me, but I would point out to the House that the following appears in it—

Food Additives	Maximum level of use
Beta-carotene	Not limited
Annatto	Not limited
Curcumin	Not limited

This Bill will give us the distinction of being one of the only countries or States in the world that has legislation which regulates the production of margarine by quota. It will certainly give Australia the distinction of being the only country in the world where this "hang up" occurs over margarine. I fail to see why people cannot be given a freedom of choice. If I want to eat butter I will eat it and, in fact, I do eat it. So far as I am concerned the only margarine I have ever consumed is when it is used for cooking, such as in cakes. Why in heaven's name a person wants to buy a pound of margarine of his choice bearing a wrapper showing that it is table margarine, I do not know. Why should there be any distinction? Why not just call it margarine and give the public the chance to buy what they want and when they want it.

I have a few hundred facts before me which I do not propose to quote. It is a pity we still have a margarine quota. I do not think there is any quarrel between the dairy industry and the margarine manufacturers. The problem goes far deeper than this, but I have not had time to dig down that far. A quota on the production of margarine was introduced during the war to enable the dairy industry to be protected; to prevent the importation of raw materials for the manufacture of margarine, and ever since we have been "hung up" on the margarine quota.

Despite the fact that medical authorities warn us about the danger of eating margarine that is not polyunsaturated, we do not want to see again the ridiculous situation that occurred last year where people went from supermarket to supermarket hunting for the margarine of their choice because they thought it was beneficial to them. I cannot cast a vote against the Bill because I think it would be ineffective in a Chamber that has already made up its mind to agree to the legislation. There are provisions in the Bill that are quite sound, but I warn the Chamber that at any time in the future I would be quite willing to mount a campaign to remove entirely the restrictions on margarine imposed throughout Australia.

Sitting suspended from 12.48 to 2.30 p.m.

THE HON. D. K. DANS (South Metropolitan) [2.30 p.m.]: I want to support the Bill because I think it is a sensible measure designed to protect and strengthen the Australian economy.

I am in an unfortunate position in that one member of my family cannot eat butter because of an allergy and, in consequence, the whole family eats margarine. I personally am firmly convinced that butter is the better product.

To some extent I agree with Mr. Williams on the question of freedom of choice. However, we must consider the great amount of money and personnel involved in the Australian dairying industry and bear in mind that a great number of these people are fairly marginal and, in some cases, would make less than the average wage. It is true, of course, that some people engaged in dairy farming are reasonably successful, but that is not the point. We have a responsibility to protect our primary industries in support of our Australian economy. To allow the unrestricted manufacture and sale of margarine would be disastrous.

I say this quite sincerely because of the type of advertising which is engaged in by sections of the margarine industry. This type of advertising has mainly been directed by way of a scare campaign. The campaign virtually is a pronouncement that all eaters of butter, or users of dairy products, run a high risk of raising their body cholesterol. I was extremely pleased to hear Mr. MacKinnon say that nothing has been proved to this effect. What should be said, of course, is that the body has the ability to manufacture its own cholesterol. In fact, gallstones are cholesterol and people who have never eaten dairy products in their life suffer from gallstones.

The Hon. G. C. MacKinnon: I was more impressed by the advertisement on the butter counter, "Butter makes better lovers".

The Hon. D. K. DANS: Perhaps, Mr. MacKinnon, we could debate that subject in the bar and embellish it more than we can in the House. On my understanding, Standing Orders and parliamentary procedure would not allow me to debate this vexed question at length.

The Hon. L. D. Elliott: Sexed question!

The Hon. D. K. DANS: Miss Elliott has said "sexed question" but I definitely said "vexed question"! The position is that one of the arguments put forward is the question of the subsidy paid to the Australian dairying industry. I would like to see presented in this House an argument in support of the margarine industry which gave the exact amounts of money spent and the quantity of vegetable oils imported into the country—not the homespun article. The argument on subsidy is, of course, the main bone of contention. There are two points involved. The first is an endeavour to scare the people out of eating dairy products. The second is the question of subsidy which, taken to its ultimate limits, is quite ridiculous, because there are very few industries not only in this country but in all countries of the world which do not receive some method of tariff protection. It staggers people to realise that Australia's 22,000 textile workers each cost the Australian taxpayer $2,300 to allow the Australian textile industry to continue. I do not think anybody would support a move to put the Australian textile industry on the rocks because the consequences would be disastrous.

The measure before us is a sensible approach to a very complex question. As far as I am concerned no case has yet been put forward to suggest that butter is dangerous. Indeed, if one refers back to Biblical times he will find that a land flowing with milk and honey was considered the ideal place in which to live. Secondly, as far as I am concerned, the margarine industry must put forward a much better case in connection with subsidy.

I think the measure before us is a genuine effort on the part of the Government of this State, acting in concert with the Commonwealth and the Governments of the various States of the Commonwealth, at least to give some relief to the margarine industry and, at the same time, to offer some measure of protection to dairy farmers, because the dairying industry is not only a fairly heavy capital investment industry but it is also a high labour intensive industry.

If we were to allow the unrestricted production of margarine in this country, it is easy to imagine the damage we would do by way of making people on farms redundant. We would have them flocking to the cities and all the problems which would come with such an exodus from the country.

Perhaps on some future occasion we may well be able to ease the restrictions on the production of margarine, but the argument would have to be based on better grounds than those which are put forward today. Before I would support such a proposition I would need to be convinced that no damage would accrue to an industry which has served Australia well and will continue to serve it well. If such legislation would have a deleterious effect on the dairying industry and bring with it all the problems I have outlined, even at that stage I would not support it.

I commend the Bill to the House as a genuine attempt at least to give some measure of freedom of choice and, at the same time, to protect a very vital and important section of our primary producers.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.38 p.m.]: I thank Mr. MacKinnon for his support of the measure which, I thought, he covered very well indeed. I also thank Mr. Williams for his somewhat lefthanded support of the measure and, of course, I thank Mr. Dans.

All that can be said has, I feel, already been said. The measure resulted from a meeting of Ministers for Agriculture from every State who decided at a meeting in Sydney, I think, what the quota would be.

The Hon. G. C. MacKinnon: The Agricultural Council.

The Hon. R. H. C. STUBBS: Yes, that is right. A decision was made on Western Australia's quota as has been explained to the House.

I think it is quite sad, too, when pepole must use polyunsaturated margarine on account of a health condition. Unfortunately, that happens in my family. I therefore know how important it is to be able to buy margarine when one wants it. Of course I myself am disgustingly healthy. I do not have high blood pressure in spite of the Opposition. I do not have ulcers, also in spite of the Opposition.

The Hon. G. C. MacKinnon: I always remember a previous Minister saying that it was not the fellows opposite who caused the trouble because he knew where they were going; it was the fellows who sat behind him.

The Hon. D. K. Dans: Our Ministers are quite safe.

The Hon. R. H. C. STUBBS: I do not know anything about that.

The Hon. R. Thompson: He has a brick wall behind him.

The Hon. Clive Griffiths: They are all regimented.

The Hon. R. H. C. STUBBS: I was going to tell members that I am an avid butter eater, but I can assure them I will double my quota from now on.

The Hon. G. C. MacKinnon: You sexy old villain!

The Hon. R. Thompson: In view of Mr. MacKinnon's interjection.

The Hon. R. H. C. STUBBS: I thank members for their contributions to the debate. I also wish to intimate to Mr. MacKinnon that we are quite happy to accept his proposed amendment. I have discussed this with the Minister in another place. I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clauses 1 to 19 put and passed.

Clause 20: Section 30 amended—

The Hon. G. W. BERRY: I wish to raise one small matter. Paragraph (b) of clause 20 provides that the ratio of polyunsaturated to saturated fatty acids in polyunsaturated margarine must be at least two to one. I was under the impression that polyunsaturated margarine was wholly manufactured with polyunsaturated materials. It is a little like the pure wool products legislation we debated.

Clause put and passed.

Clause 21 put and passed.

Clause 22: Section 32 repealed and re-enacted—

The Hon. G. C. MacKINNON: My proposed amendment was discussed in another place, and as Mr. Stubbs has said, the Minister has agreed that the clause could be tightened up. This provision lays down that no person can use a name or pictorial device which suggests that margarine is a dairy product or that cooking or manufacturers' margarine is equivalent to butter. We believe the provision can be tightened up a little. I move an amendment—

> Page 12, lines 7 to 11—Delete the passage commencing with the word "No" down to and including the word "containing" and substitute the following passage—
>
> > "No person shall in any way in the packaging, labelling or advertisement for sale, or for any purpose connected therewith, of any margarine indicate or suggest, or use any matter which indicates or suggests, or which contains".

The Hon. R. H. C. STUBBS: I inform members that we accept the amendment which is designed to strengthen the provision.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 23 and 24 put and passed.

Title—

The Hon. R. H. C. STUBBS: I omitted to tell Mr. Williams, in regard to the point he made as to the legality of the legislation, that I have taken this up with the Minister in another place. He assures me that the honourable member's remarks will be examined by the Crown Law Department.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

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

PUBLIC SERVICE ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. Thompson (Minister for Community Welfare) in charge of the Bill.

Clause 2: Section 52 amended—

Progress was reported after the clause had been partly considered.

The Hon. R. THOMPSON: When we considered this clause earlier, the Leader of the Opposition posed a question in regard to the position of a person who had accrued leave in 1972 and wished to take his leave for that year. The answer is that such a person will receive three weeks' annual leave.

If he did not take his leave in 1972, but took it in 1973—the year in which this legislation becomes operative—he would receive four weeks' annual leave. That is the point I actually made earlier in the debate on the Bill during the second reading stage. During the luncheon suspension I contacted the Deputy Chairman of the Public Service Board and obtained the following advice from him—

> The Public Service Board confirms that the intention of the Bill is that public servants be granted four weeks' leave in 1973 plus one week in respect of 1972.

That was the answer given to the question raised by the Leader of the Opposition. I wish to mention another point at issue in order to further clarify the position, although no question was asked in regard to it. On the 30th June, 1972, 1,506 temporary officers were employed in the Public Service. Therefore it is necessary to backdate their leave entitlement to the 1st January, 1972, because those 1,506 temporary officers do not qualify for annual leave until they have completed a full 12 months of service. Permanent officers qualify on an annual basis and so they are able to take their annual leave during the first year of employment.

The Bill seeks to amend only the Public Service Act. Therefore persons such as nurses cannot benefit. This point was mentioned by Mr. MacKinnon.

The Hon. G. C. MacKinnon: But you have some in the Public Service.

The Hon. R. THOMPSON: That is quite correct. This Bill is not in the same category as the Long Service Leave Act Amendment Bill in regard to its scope of operation. This Bill is for the benefit of temporary and permanent public servants. When I read my notes again I found that the first interpretation I gave was the correct one. The following are the remarks of the Leader of the Opposition during the debate on the second reading of the Bill—

> I pose a further question to him. If the leave available to a public servant during that period is less than that provided by the Bill before us, will a public servant have additional leave added to the four weeks to which he will be entitled in 1973 after the passage of this Bill? Does the Minister understand what I am trying to establish?

I replied, "Yes".

The Leader of the Opposition went on to say—

> A person who took his leave between the 1st January and the 31st December, 1972 was allowed three weeks' leave. Therefore, in respect of that year his annual leave entitlement was fulfilled according to the Act.

I interjected, "That is right." That is the position as it has been explained to me. The person who took his annual leave during 1972 got three weeks' annual leave in accordance with the provisions of the Act at present, but if he did not take his leave in that year, the coming into operation of this Bill, which is retrospective to the 1st January, 1973—

The Hon. A. F. Griffith: No, the Bill says it is retrospective to the 1st January, 1972.

The Hon. R. THOMPSON: Yes, but if a person took his annual leave in 1972 it would be the leave granted to him for that year. This is where we come up against permanent and temporary officers. If an officer took his leave in 1972 he would get three weeks' annual leave, but if he carried his leave entitlement over

to 1973 he would get four weeks' annual leave. That is the position as I understand it. In fact, that is how I understood the position when I first introduced the second reading of the Bill.

I know there was some confusion when the Leader of the Opposition was speaking. He corrected the position and we proceeded with the debate. Permanent public servants obtain their leave as from the 1st January of each year, and the leave accrues for that year, but a temporary officer cannot do that, because he has to give a full 12 months' service before he is entitled to any annual leave. That is the answer that I obtained from the Public Service Board and so that there is no confusion I will read it once again. It reads—

> The Public Service Board confirms that the intention of the Bill is that public servants be granted four weeks' leave in 1973 plus one week in respect of 1972.

So those who took leave in 1972 would not qualify for four weeks' leave.

The Hon. J. Heitman: Those who have not taken their leave until 1973 will get four weeks?

The Hon. R. THOMPSON: Yes, that is how I understand the position.

The Hon. A. F. GRIFFITH: In order that I may fully understand the position, may I pose this question to the Minister? I understood him to say that it was necessary to make this Bill retrospective to 1972 because temporary officers do not qualify until they have given service for a full 12 months.

The Hon. R. Thompson: That is quite right.

The Hon. A. F. GRIFFITH: That is point one. I also understood him to say that any officer employed by the Public Service who took his leave between the 1st January, 1972, and the 31st December, 1972, would get only three weeks. Did I understand the Minister to say that?

The Hon. R. Thompson: Yes, in respect of permanent employees.

The Hon. A. F. GRIFFITH: Did I also understand the Minister to say that any permanent public servant who has not taken his leave during that period is entitled to four weeks' leave?

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: What a mess! If that is true I cannot possibly visualise that that is the situation. What the Government would be doing would be to say to the public servants, "There is a section of the officers within the service who took their annual leave between the 1st January, 1972 and the 31st December, 1972, and they were given three weeks' leave. Their leave has now been completed and they are not entitled to any more." Yet the Government also says that there is another section of officers within the Public Service who, because of personal reasons, or because of the exigencies of the service, did not take their annual leave between the 1st January, 1972 and the 31st December, 1972, but as they will be taking their annual leave now they are therefore entitled to four weeks' annual leave. To me that seems to be completely ludicrous and operating to the direct disadvantage of those people who happened to take their leave during the year it became due. Those who were fortunate enough not to take their annual leave during 1972 will be able to get four weeks' leave during this year. The Minister can see that from the answers he has given me.

The Hon. R. Thompson: Yes.

The Hon. A. F. GRIFFITH: Either the inquiries the Minister has made and the questions he has posed were not understood or, lamentably, he has been given the wrong information. I understand the Premier in another place said he had to read the Bill two or three times before he could understand it.

The Hon. R. Thompson: I am not aware of that.

The Hon. A. F. GRIFFITH: What have temporary officers to do with the subject? The Minister said the reason for backdating the Bill is because temporary officers did not qualify until they had 12 months' service.

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: I cannot say that is not the position, but if it is the Minister will not achieve what he seeks to achieve by the repeal and re-enactment of section 52 which says in effect that on and from the 1st day of January, 1963 each officer is entitled to annual leave of absence for recreation for three weeks on full pay.

The Minister is now seeking to repeal that and say that from the 1st day of January, 1972, each officer is entitled to annual leave of absence for recreation for four weeks on full pay. Surely each officer means officers of the permanent staff?

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: What is the good the Minister telling me the permanent staff would not get the extra week's leave if they took their leave from the 1st January, 1972 to the 31st December, 1972? Either the Minister or I appear to be utterly confused, and at this point I do not think it is I who am confused.

The Hon. R. THOMPSON: I have not been confused at any stage of the game. As I said in my second reading speech three classifications of people were mentioned and perhaps what we should have

done was to confine this to one. It is possible the Leader of the Opposition is right. I do not know how permanent public servants can qualify to take their leave prior to their qualifying period.

The Hon. A. F. Griffith: The water is getting hotter and deeper.

The Hon. R. THOMPSON: So I cannot see how this is so, unless there are some special circumstances which enable them to take their leave before they qualify. Generally I would say that permanent public servants would get four weeks' annual leave, but it has been necessary to write this into the Act in the re-enactment of this section to cover those on the temporary staff.

The Hon. L. A. LOGAN: Surely this Bill is designed to enable permanent public servants to have four weeks' annual recreation leave.

The Hon. R. Thompson: That is right.

The Hon. L. A. LOGAN: We are told they qualify for their leave on the 1st January in any one year. If we are not to grant four weeks' annual leave in any one year to public servants—and this Bill refers to the 1st January, 1972—the date should have been the 1st January, 1973. The Bill was printed 12 months ago and I think we should delete 1972 and make it 1973.

The Hon. G. C. MacKINNON: It is possible confusion has arisen because when public servants reach a certain grade or period—I do not know exactly how it applies—recreation leave can be taken in advance but normally it is taken in arrears—one serves 12 months and then qualifies for the leave.

The Premier was at pains to explain this to ensure that all the Government employees actually receive four weeks' annual leave in 1973 and thus it was necessary to apply service in respect of 1972. I think the draftsman has made a mistake and, as Mr. Logan has said, it should be 1973. I understand public servants quite frequently take their holidays in advance, and I am sure the people concerned get their four weeks' holiday. If it is dated at 1972 it would mean that a man takes his three weeks' leave in January and later he will be given another week's leave.

The Hon. R. Thompson: That is right.

The Hon. G. C. MacKINNON: That is not intended, even though public servants, unlike those in private enterprise, frequently take their leave in advance. To ensure that this can be done it is to be backdated to start in 1972.

The Hon. R. THOMPSON: Assuming that everything Mr. MacKinnon says is true about people taking recreation leave in advance—and I do not know how many such cases occur—they would get five weeks' leave. They will get an extra week which they should have been given in 1972.

The Hon. G. C. MacKinnon: That is why I think it is wrong.

The Hon. R. THOMPSON: This is the argument put up in another place. The real starting point is that the leave agreed to in 1972 should be taken in 1973. If we make the starting point 1973 nobody will qualify until 1974.

The Hon. G. C. MacKINNON: Following that line of argument we will have the fellow who takes his leave in advance, say, as from the 1st January, 1972.

The Hon. R. Thompson: That is 12 months in advance.

The Hon. G. C. MacKINNON: He had three weeks' leave. Let us say he follows the same procedure in 1973 and takes three weeks in advance. He must do the same thing in 1974 when he takes six weeks. I do not think this was intended.

The Hon. D. K. DANS: I do not know much about Public Service leave conditions.

The Hon. G. C. MacKinnon: It appears you are no orphan.

The Hon. D. K. DANS: It appears to me I have never known in any industry or in the Civil Service—though I cannot speak with certainty here—a person to be allowed to take annual leave, as distinct from any other leave, in advance.

The Hon. A. F. Griffith: One can in the Civil Service, providing one has served a qualifying period.

The Hon. D. K. DANS: I do not know. I would imagine that if one did not carry out his contract for the rest of the year, that leave would be taken from long service leave or from some other payment which might be due. One could imagine the situation which would apply in general industry if annual leave were granted in advance.

Is it not correct to say that if a person is to be given extra leave conditions to operate in this year of 1973, then the condition must be made retrospective to the qualifying period of 1972? Annual leave is only available after the completion of 12 months' service.

The Hon. L. A. Logan: The Minister did not tell us.

The Hon. D. K. DANS: That is standard industrial procedure, and then from that day on the annual leave becomes part of the working year. However, that certainly does not apply in the first year. So, to make the new leave conditions operative for 1973 the retrospective qualifying period must be 1972. Otherwise, the leave would apply from January, 1973, and the leave would only become applicable in 1974.

Regarding temporary officers, they do not become eligible until such time as they have served for 12 months. If employment is terminated within that period the person concerned does not receive any leave, but a *pro rata* payment. If a temporary officer serves for 12 months and is then made permanent the new conditions would certainly apply and he would get four weeks' leave in 1973.

In the Commonwealth Civil Service, of course, the principle is that if one does not take leave in the year in which it falls it is lost. There are some qualifications, which apply when it is not convenient to the department concerned for the leave to be taken. I agree with that provision.

I can certainly see the reason for backdating the 1973 leave conditions; it is not a misprint. In order for the leave to operate in 1973 it must be backdated. That is my considered opinion.

The Hon. A. F. GRIFFITH: Perhaps I could approach this from another point of view. My understanding is that it is the intention of the Government that civil servants be granted four weeks' annual leave, as from the 1st January, 1973.

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: No other purpose is intended by this legislation; a person will receive four weeks' annual leave, instead of three weeks, from the 1st January, 1973.

The Hon. R. Thompson: That is, if the leave accrued in 1972.

The Hon. A. F. GRIFFITH: The Minister obviously does not understand his own Bill. The parent Act states that as from the 1st January, 1963, an officer is entitled to three weeks' annual leave. Now, what is an officer? Is an officer qualified as being temporary or permanent within the meaning of the Act?

The Hon. R. Thompson: Only a permanent officer comes within the category. Permanent officers take their leave as from the 1st January each year, whilst temporary officers take their leave as from the date of engagement.

The Hon. A. F. GRIFFITH: If that is correct, why does the Minister tell us that this Bill is necessary in the interests of temporory officers only?

The Hon. R. Thompson: I said that was the explanation contained in the notes. The notes dealt with three different categories of people, but in actual fact the Bill deals with only one section of civil servants.

The Hon. A. F. GRIFFITH: I think the Minister should make some more inquiries. Referring to the point raised by Mr. Dans; Mr. MacKinnon has advised me that a civil servant is able to take his leave in advance, to the point that he first has to go through a qualifying period of service. Bearing that in mind, if he is entitled to take his leave in advance, and the Act is amended to read, "From the 1st January, 1973", and he has taken his three weeks' leave for this year, with the passage of this Bill he will be entitled to another week's leave. I think that is the case. If the draftsman has made a mistake, the date should be 1973. If the draftsman has not made a mistake and has fulfilled the instructions of the Government—and I venture to suggest the likelihood of the draftsman making a mistake is rather remote, although possible—the passage of this Bill will result in some employees having five weeks' leave this year, being four weeks to which they are entitled as of statutory right and one week from last year.

The Hon. R. Thompson: I have already told you that.

The Hon. A. F. GRIFFITH: Then why in the name of creation is the Minister arguing with me?

The Hon. R. Thompson: I am not arguing with you. I have already told you that. That is what I was hoping you would understand.

The Hon. A. F. GRIFFITH: The Minister cannot pull the wool over my eyes like that.

The Hon. R. Thompson: I told you truthfully.

The Hon. A. F. GRIFFITH: I am sure the Minister told me truthfully whatever he told me. I go back to the question I asked the Minister a few minutes ago. I asked, "Is it the Government's intention that public servants will get four weeks' annual leave as from the 1st January, 1973?" The Minister answered, "Yes." I asked, "Not before that?" The Minister said, "Yes." Now he tells me they will get leave before that because they will get accrued leave from 1972.

The Hon. R. Thompson: There must be a starting point. They have to accrue leave in 1972 and 1973 in order to get four weeks in 1973. They have to accrue the leave in 1972 in order to get four weeks' leave in 1973 when they would normally take their leave.

The Hon. A. F. GRIFFITH: That could be all right.

The Hon. R. Thompson: If they have taken leave prior to the completion of their time—

The Hon. A. F. GRIFFITH: Or in advance.

The Hon. R. Thompson: —or in advance, and if they have taken only three weeks, they will get an extra week in 1973, which will make five weeks. I made that clear previously.

The Hon. A. F. GRIFFITH: That will be a pretty costly business.

The Hon. R. Thompson: I agree.

The Hon. A. F. GRIFFITH: I remind the Minister that I said if they have taken their leave they will not get the extra week, and if they have not taken it they will get the extra week. What discrimination that is! Does the Minister remember my saying that?

The Hon. R. Thompson: That was dealing with temporary staff.

The Hon. A. F. GRIFFITH: It has nothing to do with that. The Bill says "each officer". If the Minister is correct, I wonder whether the Government really intends that to be the situation, and I wonder what it will cost the taxpayer. Good luck to the chap who wants extra leave. He will get something he did not expect. He will look at this Bill and, on the Minister's interpretation of it, he will say, "Jolly good! I did not take my leave last year and now I will get eight weeks this year—three weeks from last year, four weeks as a result of the passage of the Bill, and a week's credit I did not know I had." That is very generous.

The Hon. R. Thompson: He cannot take it this year because from the 1st January he has to qualify. It will be the year after.

The Hon. A. F. GRIFFITH: This is May now.

The Hon. R. Thompson: From the 1st January, 1973.

The Hon. A. F. GRIFFITH: It is now May and he is entitled to take that leave as from the 1st January, 1972. He has served a period in the Public Service in 1971.

The Hon. R. Thompson: He gets only three weeks for that.

The Hon. A. F. GRIFFITH: Anyone who was employed in the Public Service in 1971 took his three weeks, and from 1971 he has accrued another right to leave, which under this Bill will be four weeks and not three weeks. I think the Minister should clarify the situation and find out whether there has been a drafting error. If not, very well, but I think he should ask Mr. Crooks what the situation really will be. I would like the benefit of asking Mr. Crooks myself.

The Hon. R. Thompson: If you like, I will get him up here.

The Hon. A. F. GRIFFITH: Very well. I will sit down, so that progress may be reported.

The Hon. D. K. DANS: I think we are starting to go all over the place. I do not know where we are getting to. Perhaps when Mr. Crooks comes here we will get somewhere.

The Hon. F. D. Willmott: Why do you not stop talking and let him get here?

The Hon. D. K. DANS: I hope that is only a suggestion. It has been pointed out to me that the regulations in respect of leave of absence in the Public Service use a term which is common to most industrial agreements; that is, "An officer may take leave of absence for recreation at any time during the year in which it accrues." The Bill we are now discussing hinges on the definition of accrual. I come back to the point I made before. The starting date is given as the 1st January, 1972, so the year in which the leave accrues is 1972, as at the 31st January, but the leave would be taken in 1973.

The Hon. L. A. Logan: That is giving him four weeks' leave in 1972.

The Hon. D. K. DANS: That is correct. The period of leave is taken as part of his year. There is nothing strange about that. I admit there are many strange things I cannot quite follow.

In another place, the Premier said—

> The Government has decided that Government employees shall be first entitled to four weeks' annual leave as from the date the employee's leave falls due in 1973.

That is on page 1770 of *Hansard* No. 9. Without confusing the matter with temporary officers and other people, that statement is as clear as crystal. A person whose leave falls due in 1973 will get four weeks' annual leave, but if the leave fell due in 1972 he would not get it.

I do not know of any industrial situation in which, when changing entitlements to leave, one does not get pluses and minuses—some people benefit and some people are disadvantaged. The same situation applies when a pay increase becomes operative from the commencement of the first pay period after a certain date. Someone says, "Mine was yesterday." That person will receive his increase a month or two weeks later than others.

The Hon. A. F. Griffith: You are saying the Minister is wrong.

The Hon. D. K. DANS: I did not say that; I said I am putting forward my views, as I am entitled to.

The Hon. R. Thompson: I will say that Mr. Dans is wrong.

The Hon. D. K. DANS: I do not want to enter into an argument with my Minister. However, for the benefit of the Committee let me repeat what the Premier said, as follows—

> The Government has decided that Government employees shall be first entitled to four weeks' annual leave as from the date the employee's leave falls due in 1973.

As far as I am concerned that is as clear as crystal.

The Hon. R. THOMPSON: I am prepared to get Mr. Crooks up here. However, I would like to point out that in my second reading speech I said that the leave conditions of permanent officers in the Public Service differ from those of other Government employees in that public servants become entitled to annual leave on a common date, the 1st January of each year. This leave is taken in the year in which it accrues. We all agree that public servants may take annual leave in the year in which it accrues. Therefore, if an employee takes his leave in 1972 he would be entitled to three weeks. Does the Leader of the Opposition agree?

The Hon. A. F. Griffith: Yes.

The Hon. R. THOMPSON: Therefore the leave is taken partially in advance of accrual. Leave which accrued in 1972 could —and in most cases would—have been taken in 1972. This Bill is backdated to January, 1972. Those who took their leave in 1972 were allowed three weeks' leave; and those who did not take their leave in 1972 but will take it in 1973 will be entitled to four weeks. I feel sure I am right. Questions will be asked in another place this afternoon, and I feel the answers will prove my point. Possibly it will not be necessary to get Mr. Crooks up here.

The Hon. A. F. Griffith: I think it would be desirable to get him here.

The Hon. R. THOMPSON: Therefore, I shall report progress in order to obtain further information.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by The Hon. R. Thompson (Minister for Community Welfare).

(Continued on page 2186).

SEED MARKETING ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.35 p.m.]: I move—

That the Bill be now read a second time.

Legislation known as the Marketing of Linseed Act was assented to in November, 1969. A referendum of growers had been conducted and the poll resulted in an overwhelming vote in favour of compulsory marketing.

At the time of proclamation the measure was restricted to the marketing of linseed and no other seed. In the main the Act provided for a marketing board comprising five members and for the appointment of licensed receivers to receive and deal in linseed on behalf of the board, as well as for the establishment and maintenance of a pool or separate pools for the marketing of the seed.

In 1971 an amendment to the title was passed and the Act became the Seed Marketing Act, with the board set up under the Act becoming the marketing authority also for seeds other than linseed. This action was taken mainly because of the considerable areas of rapeseed then planted for use as a commercial product. An overseas market existed particularly in Japan, as well as some local demand. The amending Bill made provision for a fund known as the seed research fund, which is administered by a committee recommended by the Western Australian Seed Board and approved by the Minister for Agriculture.

Section 27 of the Act provides that the Act shall remain in force for a period of three years after its coming into operation. The Act came into force by authority of a proclamation published in the *Government Gazette* of the 28th August, 1970, and its authority will therefore expire on the 28th August of this year. The continuation of the operation of the Seed Board is most desirable to ensure orderly marketing of linseed, rapeseed, and other seeds.

The Farmers' Union supports the proposal, and I trust members will concur with this measure to extend the provisions of the Act for a period of three years. I commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by The Hon. G. C. MacKinnon.

(Continued on page 2187).

MARINE NAVIGATIONAL AIDS BILL

Receipt and First Reading

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

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

METROPOLITAN REGION SCHEME: SHIRE OF WANNEROO

Disallowance of Amendment: Motion

Debate resumed, from the 22nd May, on the following motion by The Hon. F. R. White—

That in accordance with the provisions of subsection (2) of section 32 of the Metropolitan Region Town Planning Scheme Act, 1959-1970, the

amendment to the Metropolitan Region Scheme: amendment Shire of Wanneroo (Whitfords-Joondalup Locality) referred to in the notice relating to the Metropolitan Region Scheme Map, Sheet Nos. 10/3 and 10/4, which was laid upon the Table of the Legislative Council on Wednesday, the 4th April, 1973, pursuant to subsection (1) (b) of section 32 of the Act and published in the *Government Gazette* on Friday, the 6th April, 1973, pursuant to subsection (1) (a) of section 32 of the Act, be and is hereby disallowed.

THE HON. N. E. BAXTER (Central) [3.39 p.m.]: I was not impressed at all by the speech of the Minister in regard to this motion. He simply said that the matters introduced by Mr. White in connection with the motion were minor matters, and he then attempted to refer to the administration of a previous Minister for Town Planning, Mr. Logan.

He then tried to imply that what happened was as a consequence of what was done when Mr. Logan was the Minister for Town Planning. To my knowledge, under the regime of Mr. Logan, the Town Planning Board, the Town Planning Department, and the other authorities were aware that approvals for the subdivision of rural land were difficult to obtain.

Over the years, since the introduction of town planning and regional planning, I have found this to be the position when any attempt was made to obtain approval for the subdivision of rural land. At that time it was absolutely impossible to obtain departmental approval for such subdivisions. On a number of occasions I have handled cases involving the subdivision of very small parcels of land— possibly six blocks of a half-acre each, and not just over a half quarter-acre each as is the case under the amended scheme of the Shire of Wanneroo, which is the subject of the motion. In those cases approval was *not* granted.

In one case approval was sought to subdivide a small parcel of land on the escarpment at the back of Gosnells. The owner sought to subdivide the land into six half-acre blocks, but his application was refused. Subsequently the area was resumed for use as public open space. This land has a panoramic view to the north and the south of Perth, and it is well situated. It is located on the slope of a hill in the greenbelt area, and the land cannot be used for recreation purposes because it is too steep. That was the system under which we operated over the years when Mr. Logan was Minister for Town Planning.

In one case the subdivision of some sandy land, which was worthless for rural purposes, was sought, and a submission was made to Mr. Logan as the Minister concerned. Before any approval was granted for subdivision of the land into building blocks the builder had to give a guarantee that building would commence on the blocks before they were sold. These blocks were not put on the open market.

Compared with the severe restrictions which applied at that time, we find that under this scheme, which is the subject matter of the motion before the House, some rural land containing hundreds of acres is being developed, although the rezoning of the land has not been approved by Parliament. Roads have been built in that area, and houses have been built on the blocks. Would this have been permitted during the regime of Mr. Logan as Minister for Town Planning? I can assure members that it would not. I am not aware of any instance during his term as Minister when this type of subdivision of large areas of land was permitted.

There might have been a few isolated cases where the Minister approved the subdivision of urban land, perhaps to enable the son of the owner to build a house on the land; but I am sure that approval was not given in respect of an area of land of the scale in the amended scheme of the Shire of Wanneroo.

In respect of the greenbelt area we had many contests with the resumption authorities in determining the value of land to be resumed, because approval for subdivision of the land could not be obtained. I am now referring to land on the escarpment of the Darling Range. The owners of this land were not permitted to subdivide, and these areas were relatively small. However, in the case of the large area of land at Wanneroo it seems that approval has been obtained to subdivide land in the rural area.

I felt sorry for these people, because of the treatment they received. They had been holding the land for years and paying the rates thereon, but they were not permitted to subdivide. What those people would receive for the land would be insignificant compared with what the developers and estate agents would receive for the land developed under the scheme mentioned in the motion before us.

Sitting suspended from 3.46 to 4.05 p.m.

The Hon. N. E. BAXTER: Before the afternoon tea suspension I was comparing the attitude of the present Minister for Town Planning with that of the previous Minister, and the attitude of the department under the previous Minister with its attitude under the present Minister. Members will have gathered from what I said that Mr. Logan was meticulous to ensure that he acted within the law and the requirements of the legislation. However, what has occurred since has amazed me. We have been told that these schemes for the Wanneroo Shire were commenced during the time when Mr.

Logan was the Minister. However, it seems to me that even if that is true a considerable period has elapsed between then and a few weeks ago when proposals for the rezoning of rural land to urban land for these schemes was brought before Parliament. In the meantime the developers have been permitted to carry out improvements on the rural land.

During Mr. Logan's regime the department adhered to the law in respect of rezoning of rural land to urban land, but since then the small landowners have been treated differently from the large landowners. There is certainly a differentiation. A little landowner who wants a lot or two to be rezoned for a specific purpose finds it very difficult, if not impossible, to get the land rezoned. However, if a big developer or a number of them want a large area of land rezoned from rural to urban, it is done, but worse still, the development is permitted prior to Parliament giving consent to the rezoning.

To illustrate my point I wish to advise that during the last three weeks the Mundaring Shire Council applied for permission to establish a squash court on rural land in the area. Despite the fact that a public amenity was involved, the Town Planning Board refused permission for the land to be rezoned for a squash court. I ask members: Does this not indicate that the small landowners are not being catered for while the large ones are receiving special treatment? Quite a big distinction in treatment is obvious.

Looking at the whole situation, one can only come to the conclusion that something is wrong when, despite the existence of the Town Planning Department, the M.R.P.A., and the Minister, things like this occur. Have the officers of the board and the M.R.P.A. altered their attitude, or is it that they have the same attitude but they are being directed from higher up? One can only ponder and wonder who is responsible for the present situation.

No-one can say that the statements made by Mr. White are not correct. He outlined the situation very fully and went into great detail to indicate how the law is being broken not only in connection with the small matters of advertising and gazettal, but also in respect of rezoning which has been allowed without the permission of Parliament. That is definitely illegal under the Act. In addition to this, for some months development has been permitted to take place.

With those remarks I leave members to draw their own conclusions on the motion.

THE HON. F. R. WHITE (West) [4.11 p.m.]: I thank the Minister and Mr. Baxter for their comments on the motion and I will, of course, speak at length on the Minister's speech, knowing full well that he did not write it, but that it was written by a departmental officer.

Before I deal with the Minister's speech, I wish to thank Mr. Baxter for his contribution. It is obvious he agrees with many of the points I raised and that he disagrees with the Minister's statement that Mr. Logan, the previous Minister, had commenced negotiations in connection with the present unsatisfactory situation. Mr. Baxter made it quite clear he believed Mr. Logan abided strictly by the Statutes, as did the departmental officers under Mr. Logan.

Mr. Baxter compared the present system with the old one and he questioned the legality of some of the operations which have taken place since the change of Government.

During my speech Mr. Ron Thompson interjected to refer to section 37A of the Town Planning and Development Act, but obviously he made an error because that Act contains only 35 sections and not 37. He was, in fact, referring to section 37A of the Metropolitan Region Town Planning Scheme Act which deals with a favourite subject of Mr. Ron Thompson; that is, compensation for injurious affection when land is taken over for a particular purpose by the Government or the M.R.P.A. It would have nothing whatsoever to do with the question with which we are now dealing and, in fact, has very little to do with zoning.

In his speech, the Minister dealt extremely thoroughly with the points which I had raised. Even though I had a fair knowledge as to what would be in the speech, I was rather disappointed with that speech. Later on in the day I will make quite clear my reason for that last statement.

The Minister's speech tended to overemphasise two technical points regarding the inadequacy of advertising in the *Gazette* and the early tabling of the amendment in this Chamber. These were very minor points and, as I have said, the Minister tended to overemphasise them. If members care to refer to page 1156 of *Hansard* they will see that I stated that these two technical breaches were extremely minor. In fact, I said that they were minor technical points and I reiterated this later on. For example, on page 1158 I referred to the minor technical points and said—

> Those points in themselves should be sufficient grounds for throwing out the proposed amendment to the scheme, because those actions alone display incompetence on behalf of certain persons; they display contempt of the Statutes, contempt of the rights of the public, and contempt of Parliament.

> However, more important things are involved in this matter. They are the minor things as far as my speech this afternoon is concerned.

I tended to play down the effect of these minor technicalities but the Minister tended to overemphasise them.

In his speech the Minister made quite a how-do-you-do about incompetence by departmental officers; he even mentioned town planning departmental officers. This is purely a technical point but I did not make any reference whatsoever to town planning departmental officers in my speech.

On page 1153 I referred to departmental officers. I have gone carefully through the whole of my speech and nowhere did I refer to town planning departmental officers. I did refer to departmental officers on page 1153, and on page 1158 I referred to incompetence on behalf of certain persons. I was meticulous not to specify to which department the officers belonged because many Government departments and departmental officers are involved in town planning. We find there are many advisory departments and other departments represented on the M.R.P.A. Those officers are involved, whether they belong to the Metropolitan Water Supply Department, the Railways Department or some other department. These officers, as a whole, together with other persons, such as those appointed by the Government, have a great deal to say in regard to town planning. If there is any contempt of the Statutes and any incompetence in the way in which the provisions of the Statutes are carried out, then every person involved, including the Minister, would be held responsible.

My speech covered a far broader spectrum than the Town Planning Department. The Minister dealt at some depth with the extremely minor aspect of the technicalities regarding the advertising and tabling of the amendment in this Chamber. However, the Minister's speech tended to treat the other more serious matters as a great big joke. His speech tended to play down these matters whereas mine played them up. His attitude was the exact reverse of mine, because these matters are of extremely major consequence. On page 5 of the Minister's speech notes he stated—

> I would now like to turn to the planning aspects of this matter, on which the honourable member largely bases his charges that residential development has been allowed on rural land in contempt of Parliament, contrary to proper legislative procedures and without proper authority.

The Minister went on to say—

> If these charges are correct . . .

I interpolate to say that the Minister does not seem to know. He certainly has not said they are not correct. If anything, his following words tend to show that the charges would be correct, even in his opinion. The Minister said—

> If these charges are correct then the honourable member himself will have to shoulder some of the blame, as a member of the Country Party, because it was during the term of office of his colleague, The Hon. Les Logan, as Minister for Town Planning, that the first steps were taken to secure the development to which this amendment relates.

In the first instance, the Minister said, "If these charges are correct". Obviously the Minister is unsure of the legality of the development on the rural zoned land. The Minister continued from pages 5 to 9 of his speech notes in an effort to justify the illegal actions of allowing rural land for residential development by sharing the blame with the previous Coalition Government and he included both The Hon. Les Logan and myself in his remarks.

The Minister referred to letters in his possession but he did not quote from or table those letters. They were not used to substantiate any of his statements that the actions taken by the previous Government were illegal in any manner whatsoever.

Sir, I have papers from which I will quote to show that the actions taken by the previous Government were indeed completely legal. Later on I will quote from a large amount of correspondence which I have received since I moved the motion.

After I moved the motion I was amazed at the number of interested people—and the number of important people—who came to me to discuss matters. On not one occasion did I make approaches to others; they all came to me.

In this section of his speech the Minister only endeavoured to prove that two wrongs make a right. The other evening debate ensued in the Chamber on one particular word in a piece of legislation. Members of this Chamber—particularly Mr. Willesee and Mr. MacKinnon—emphatically showed that they do not believe in supporting the view that two wrongs make a right.

The Hon. G. C. MacKinnon: What was that?

The Hon. F. R. WHITE: I am referring to debate on amendments concerning regulations and to the meaning of a word in the Interpretation Act. Members of this Chamber forcibly showed that they do not believe in that view—two wrongs make a right.

In his speech the Minister endeavoured to try to use this to justify the urban development on rural land in the Craigie and Padbury areas. On page 8 of his speech notes the Minister tried to use the Wanneroo Town Planning Scheme as a justification for allowing rural land to be developed as urban. We already know that the receipt of objections to the Wanneroo Town Planning Scheme ended on the 11th September, 1970. Why was it necessary to delay the gazettal of that scheme until the 13th September, 1972—a period of a little over two years? This is a tremendous delay particularly if it was urgent that the rezoning process be put into operation. An urgent town planning scheme could have been gazetted and legalised much earlier.

Was the Metropolitan Region Planning Authority—which, as I have already said, has included on it departmental officers and others—unjustifiably tardy in its deliberations? Can the delay in the final gazettal justify the actions of the members of the Town Planning Board and others in approving urban subdivisions on rural land prior to gazettal of the Wanneroo Town Planning Scheme? I think not, Sir.

These actions were not right. Tardiness is inexcusable in an area such as this and approval for development is inexcusable in an instance such as this. I am of the opinion that the Town Planning Board and the advisory departmental officers have either been ignorant of the rezoning requirements specified within the Statutes—and if they are this would demonstrate incompetence—or else they have deliberately disregarded those statutory requirements, thus demonstrating contempt of the Statutes and contempt of Parliament itself.

The PRESIDENT: Order! There is an honourable member between the speaker and the Chair.

The Hon. F. R. WHITE: On page 9 of his speech notes the Minister stated that the Chief Engineer of the Metropolitan Water Board was consulted on the 29th November, 1972, by the Metropolitan Region Planning Authority in regard to whether development on the land covered by the amendment and its modifications should be allowed. The Chief Engineer gave his reply to the M.R.P.A. on the 14th December, 1972, to the effect that there was no reason in regard to underground water for the areas not being zoned as urban. However, the Minister has used the Wanneroo Town Planning Scheme, gazetted on the 13th September, 1972, to justify development under the proposed amendment.

The Minister now says that the M.R.P.A. consulted the Metropolitan Water Board engineers some 2½ months later. Surely if one wants to obtain information about the desirability of a project, one does not wait until the project is commenced to seek the information. In this case the information was sought at a later date. Also, apparently the Minister has overlooked the fact that the Honorary Royal Commission into the Corridor Plan made the following statement, under the heading of "Natural Resources", at page 61 of its report. This reads—

> One area which caused the Commission grave concern was that involving underground water. Investigations into underground water supplies, both shallow and artesian, have proceeded at a leisurely rate. These investigations have been carried out by the Geological Surveys section of the Mines Department and have been leisurely in nature because of lack of finance. Two major sources of "shallow" underground water exist South and North of the Urban core (see Plate 3). These extensive areas will be encroached upon by developments proposed in the Corridor Plan and have, in fact, already been partially developed upon by urban growth. Evidence showed that neither the M.W.S.S. & D. Board nor the M.R.P.A. had fully acquainted themselves with the information available, and the Corridor Plan proposals could prejudice utilisation of this valuable asset.
>
> The assessment of natural resources of the Perth Metropolitan Region is a matter of urgency and must take place before any large scale development begins.

That was a report prepared by three members of this Chamber. The rough draft of the report was signed on the 17th November, 1972. It was not printed and made available to the public until this year—1973. And yet, in late December, 1972, the M.R.P.A., in its comments on the Honorary Royal Commission, and referring to recommendation 12 (1) of that commission, stated—

> The M.R.P.A. recognises the Royal Commission's concern that shallow underground water supplies should not be polluted by surface development. The M.R.P.A. agrees that further study on this issue is desirable and it will continue to liaise closely with the Metropolitan Water Supply Sewerage and Drainage Board and their relevant Government agencies.

Late in December, 1972, the M.R.P.A. agreed with the report of the Honorary Royal Commission, but the Minister now says during December an approach was made to the Chief Engineer of the Metropolitan Water Board in regard to the effect of the development on the area. Insufficient research had been undertaken in regard to the underground water supplies,

and if the engineer made that statement without knowing the true facts, he was not doing the right thing by the public or by the board. In the brief period from the 7th November, when the report was first signed but was not available to the public, the chief engineer could not have arranged for the Mines Department to have carried out the necessary investigations. He could not have been satisfied that no harmful effects would occur, and he should not have expressed the opinion he is alleged to have expressed.

In his speech the Minister referred to my comments in regard to the need to zone wet lands, such as Lake Goollelal and Lake Joondalup, and the need for these to be zoned for public open space. He now tells us, in a speech made three weeks after I moved my motion, that the M.R.P.A. passed resolutions on the 16th May—the Thursday before he made his speech and 2½ weeks after I made my speech—to reserve those lake areas as public open space.

This action was taken six weeks after the tabling of the amendment, and it was done at my insistence—although I am unable to prove it was done at my insistence —following the speech I made on the 1st May. However, this action was taken and I appreciate it. It shows that someone is starting to take notice at last, even the M.R.P.A., which must recognise that some of the comments were justified. The M.R.P.A. is prepared to take the appropriate action to rectify the matter and prevent wrong usage of land.

I will pause there to tell members that this is my primary interest. A member like myself is not doing his job if he does not take action to try to bring such matters to the attention not only of the public, but also of the officers of the department and others. I would have neglected my duty had I not proceeded with this exercise. I am grateful that some action has been taken already.

The Minister for Local Government also referred to my comment that the Minister for Town Planning had failed to extend to the public the opportunity to object to the modifications made to the original amendment for this scheme. The Minister stated that if every modified amendment had to be subjected to the full process of advertising and objection all over again, it could take years to finalise any rezoning. This is a very strange statement for anyone to make. Such a statement would not be made by anyone who knew anything about town planning.

Let us consider the original amendment contained in the proposals tabled in this Chamber. This was to rezone one area of land from rural to urban, that land having already been developed. When the objections were heard, not one single objection was received concerning the land within the boundaries of that amendment. For this reason the original amendment could have been subjected to the normal process of tabling, and no further advertisement would have been necessary.

When a town planning scheme is presented, objections to it are normally of an internal nature and are usually of minor importance within the framework of the proposal. Very rarely do objections extend outside the proposal, and if the minor amendments in a scheme are upheld or objected to, this will not afford any delay to the normal processes of advertising and tabling.

In this case, however, four objections were received—three of which were submitted by large landholders and developers. It was stated in the tabled papers that land shaded on the overlay of map A was owned by the people who had objected. Since I moved the motion, I have become aware that that information is incorrect. One landowner who had no written agreement with any developer, and who still owned the land in question, discovered that some of his land had been included in an objection put forward by a developer. Fortunately, this land will apparently be left as public open space in the modifications. In the case of a large modification with an amendment, there is no reason that the area of land should not be put up as a completely separate amendment. This amendment could then be subjected to a three-month objection period, and the normal processes could be followed. No-one could object to such a course. In this instance the original amendment could have been proceeded with as one amendment and the modifications could have been expressed in a separate amendment. The statement made by the Minister that the development could be held up for years would then be completely false.

The Minister also questioned my motives, and he said that if I proceeded with the motion and was successful in having the modified amendment—that is the original amendment plus the modifications—disallowed, then the flow of serviced land onto the market would be sharply reduced because the Town Planning Board would be bound not to approve any further subdivisional plans in the area. He stated the result of this would be that tens of thousands of people would be deprived of potential housing lots, as well as a subsequent escalation in the price of building blocks. Because of the serious repercussions he felt could occur, he requested that I withdraw my motion.

Before I reply to his request, it is essential for me to refer to events subsequent to my giving notice of motion on Thursday, the 26th April. From that time I have very carefully recorded everything in my diary, and I will run through some of the important events which have a bearing upon the Minister's request.

On Tuesday, the 1st May at 1.45 p.m., prior to moving my motion in this Chamber, I was advised by a colleague that approaches had been made to him to try to get me not to proceed with my motion, because if I did proceed with it, it could be most embarrassing to the previous Government. On the following day, the 2nd May, at 12.55 p.m. a member of the Metropolitan Region Planning Authority telephoned me and asked me to withdraw the motion I had moved the previous day.

The Hon. J. Dolan: A moment ago you referred to a notice of motion you gave on the 26th April. I merely wish to point out that that was not a sitting day because on that date the House had adjourned for a week for the Easter holidays. I merely wish to give the honourable member an opportunity to correct his statement.

The Hon. F. R. WHITE: The Leader of the House is apparently correct; it could have been the 19th April. The other dates I have mentioned are, however, correct.

As I was saying, a senior officer of the M.R.P.A. telephoned me and in a most excited fashion asked me to withdraw my motion. I felt that some of the statements he made were rather threatening, because he said that if I did not withdraw my motion certain papers and files would be tabled in this House to discredit the previous Government which would justify the action that has taken place since the change of Government. I laughed at this suggestion and said, "Look, brother, you cannot put that over me. I have not moved my motion for political purposes. I am acting, purely and simply as Fred White on behalf of the people of this State and on behalf of my own constituents. I would be failing in my duty if I did not try to do something about the present situation. I am doing this in my own right and not for any political purposes." Following this the officer said, "Very well" and he hung up.

On the evening of the 2nd May, at 6.20 p.m., I received a telephone call from a leading developer who was most concerned over the action that was being taken. I managed to satisfy him that the motion would not have any great repercussions on the previous Government, because he accepted what I said and hung up. On Thursday, the 3rd May, at 12.40 p.m., the managing director of one of the big developers in the area saw me at Parliament House armed with several books, documents and maps. After spending 30 seconds with me he found that I knew so much about his business he did not even open his books or refer to his documents and he admitted at a later stage that he was thankful that he had met someone who knew something about town planning in his area. He did plead with me not to continue with my motion, because he he said that if I did he would have to put off at least 1,000 men which could put a stop to all the building activity in the area and could have serious repercussions on the public in general.

I made certain suggestions to him and told him to interview other people who would also be dealing with my motion. Apparently he did this, because the following day I received a telephone call from the Minister for Town Planning requesting an appointment with me, which I granted. He met me at Parliament House and spoke with me for about three-quarters of an hour discussing the matter, upon which I said that certain arrangements could be entered into. At 2.10 p.m. on the following Monday, the 5th May, I received a telephone call from the Commissioner for Town Planning saying that he had been requested by his Minister to discuss the matter with me and if I were agreeable he would send a car to Parliament House to transport me to the Town Planning Department where certain documents could be perused. I agreed to this arrangement and 15 minutes later a car transported me to the department, and after about two hours' discussion I was transported back to Parliament House. This discussion resolved what would happen to the motion as far as I was concerned.

Part of the arrangement that was agreed upon was satisfied on Wednesday, the 16th May, when at 5.05 p.m. I received a telephone call from one of the officers of the Town Planning Department advising me that certain agreed upon resolutions concerning the lake country of Joondalup and Goollelal had been carried that day by the Metropolitan Region Planning Authority, for which I was very grateful.

It is obvious to anybody, I think, that the speech made by the Minister in this Chamber was one prepared by the Commissioner for Town Planning. Therefore I would say that its impartiality would be a little suspect, because the Commissioner for Town Planning is now a member of the Metropolitan Region Town Planning Authority and previously was an officer of the Town Planning Department. Therefore I think members should keep this in mind when they are perusing the Minister's speech.

This obviously would account for the highlighting of the trivial and minor points and the jocular attitude that was adopted towards major and important matters such as the lack of rezoning and the fact that the public was not given an opportunity to object to the modifications. During the period when these negotiations were proceeding I received a great deal of correspondence. Some of it was placed on my desk with merely my name on the outside of the envelope by people from outside. Other letters were posted to me.

It is surprising the amount of correspondence that came into my possession. Among some of those documents was a copy of a letter dated the 30th January, 1973, addressed to the Parliamentary Commissioner for Administrative Investigations. This letter had been sent to the Parliamentary Commissioner by David Carr, the Town Planning Commissioner, as a result of his having received a complaint from a resident of the Shire of Wanneroo. In an endeavour to carry out his duties, Commissioner Dixon endeavoured to institute appropriate inquiries. The objection dealt with the original amendment and the complaint that rural land had been developed as urban land without the usual rezoning processes being entered into.

After contacting the Town Planning Commissioner, the Parliamentary Commissioner received a reply and it should be noted that it was delayed for about two months, because after he had received it, the Parliamentary Commissioner, in replying to the complainant, said—

> I was becoming a little concerned at the delay in receiving a report on the matter of your complaint, but now it is to hand, I can appreciate it must have taken a considerable time to prepare.

On the first page of this report from the Commissioner of Town Planning to the Ombudsman—as he is often called—appears the following statement—

> As a result the Government of Sir David Brand reached an agreement with the three owners of land now known as Whitfords and situated north of Hepburn Avenue, between the Pinnaroo Cemetery Reserve and the West Coast. In return for observing certain performance standards the developers were given the permission to plan and arrange subdivision and an assurance that a change would be initiated in the zoning.

Another report I received is headed "Whitfords Project". There are a number of other headings, one being, "Points agreed on and points for discussion", and another is headed, "Firm proposals from developers". Under the last-mentioned heading there is a reference to premium and nonpremium land. Premium land would be that which was already zoned urban in 1969 to the west of Marmion Avenue, and nonpremium land would be that unzoned rural land to the east. Under this heading, "Firm proposals from developers", appears this paragraph—

> "Non-premium" land being defined as land East of Marmion Avenue thus involving re-zoning of rural land on a progressive basis as it is required.

The PRESIDENT: Order!

The Hon. F. R. WHITE: These reports satisfied me that the previous Government had entered into an agreement with developers but this agreement had made it perfectly clear that any attempt to develop land zoned as rural would have to undergo the process of rezoning before development would be allowed. Another development—

The Hon. I. G. Medcalf: Before you proceed with that other development, could you say how the Ombudsman file came into your possession?

The Hon. F. R. WHITE: In this particular case I think it was handed to me. It was not the Ombudsman's file, but a series of photostat copies of correspondence entered into with one of the objectors; namely, Mr. Rundle. He was named in the papers tabled in this House. The papers in my possession were forwarded by the Ombudsman to Mr. Rundle. Following this, Mr. Rundle made photostat copies of these papers, and photostat copies of his own letters to the Ombudsman and the replies he received from him, together with other associated material which had been forwarded through the Ombudsman to Mr. Rundle.

The Hon. I. G. Medcalf: So those were sent by the Ombudsman to the complainant?

The Hon. F. R. WHITE: That is correct. As I have said, it is surprising the things one acquires when people become really interested. I do have another document which I could refer to as being part B of an agreement between the previous Government and the developers concerned, which reads in part—

> The obligations of the respective Government Agencies and the Commissioner of Main Roads to which our undertakings, as set out in Part A, are subject are as follows:—
>
> 3. To initiate action to affect rezoning of the rural zone eastward to the Pinnaroo Cemetery and to approve patterns of subdivision in this area to the extent of the area involved in the previous provision of Non Premium blocks which have been subdivided and offered for sale.

All this reaffirms my attitude that the previous Government did no wrong; but since there has been a change of Government wrong has been done. Why has wrong been done? It is all rather surprising.

Since moving my motion I have visited the Town Planning Department and I must say that some of the officers in that department are grossly overworked. Some of them are literally running, and I do think the department is understaffed. This may be the cause, but a cause is not an excuse. I feel this aspect could have delayed a number of the necessary actions

which should have been put into operation. Other people have the feeling that unnecessary delay has occurred.

I have a letter here which was approved by the Council of the Shire of Wanneroo and which was used at the last group B meeting—which is a meeting of one of the town planning committees. I quote from page 2 of that letter as follows—

> 3. That the present rezoning system be speeded up and that where recommendations from officers of the Board are for rejection of zoning proposals, a Council's town planning officer be invited to attend the meeting to answer criticism made. The delays at present being experienced are holding up millions of dollars worth of investment throughout the Metropolitan area with adverse effects on the people living in the area and the economics of the building industry and economic growth of the State as a whole.

A more interesting paragraph a little above this states—

> I would also suggest that they have a look—

"They" meaning the planning authorities—

> at future regional planning which varies between being behind, to further behind then way behind.

In other words the whole process is too slow for the development which has taken place. There has got to be a shake up. I feel that many of the reasons for the rise in the cost of land are due to unjustifiable delays.

The Honorary Royal Commission report makes reference to unjustifiable delays; but the M.R.P.A. and the town planning officers, and so forth, did not come out and offer any justifiable excuse to the effect that they may have been overworked or that they needed more staff, and so on.

In his speech the Minister did not refute any of the allegations that were made; indeed I consider he substantiated the allegations that were made, even though he unduly tried to emphasise the minor points and tried to present the important matters as being trivial. The Minister has, in fact, on behalf of the Government, demonstrated a great lack of knowledge of town planning procedures.

This ignorance—if one may put it that way—is being manipulated by those more expert in town planning matters, firstly in an attempt to justify the Corridor Plan.

Once again I feel it would be appropriate to quote from the report of the Honorary Royal Commission on the Corridor Plan. I quote from pages 66 and 67 of that report in which members of the Honorary Royal Commission said—

> We believe there is a danger that vital legislative processes may be bypassed, resulting in a few powerful investment and development companies acquiring control of future development land thereby creating monopolistic control and subsequent escalation of values.
>
> Existing legislation makes it mandatory that any alteration to the 1963 Region Scheme,—which in the opinion of the M.R.P.A. is a major alteration to that scheme—must be approved by Parliament. It is reasonable to assume that this approval be given by Parliament prior to any firm commitment for development being entered into as is evidenced by the action taken when re-zoning the Armadale corridor.
>
> Yet evidence discloses the situation in which 33,150 acres of land (see plate 2) have been firmly committed for development without the approval of Parliament. In addition, extensive areas—especially in the North West corridor—have been committed in principle for ultimate development. The fact that many of these commitments have occurred since the publication of the Corridor Plan is considered to be in contempt not only of Parliament but of this Honorary Royal Commission.

I would now like to quote from paragraph 10.10 of the Honorary Royal Commission's report which reads—

> 10.10 These actions since the adoption of the Corridor concept by the M.R.P.A. appear to be deliberate attempts by the bureaucracy to justify the Corridor Plan and to make the implementation of any alternative plan an impractical proposition.

These are printed facts signed by members of this Chamber; they have not originated from thin air. They have been available for the public to peruse, but who has taken any notice of them? Certainly not the Government, and very few other people.

When one repeatedly draws attention to what one considers is a wrong action and nobody takes any notice it is then necessary to get up in the Chamber and do what I have had to do—move a motion.

I have made reference, as have other members in this Chamber, to what were considered to be incorrect happenings as contained in the Royal Commission's report. Very few people have taken any notice. I made a number of comments in speeches reiterating these things, but very few people have taken notice. I have moved the motion which is now being debated, and my goodness, I hope somebody takes notice this time! Of course, that is my intention.

Before I quoted from the Honorary Royal Commission report I was saying that the ignorance on behalf of the Government has permitted manipulation by those more expert in town planning matters.

There is another item to which I would like to draw attention, which is that the approval of development contrary to proper legislative processes may have been done in order to conceal the fact that legislative processes are lagging far behind development processes. I have already quoted a letter from the Wanneroo Shire Council.

The answer to question 7 which I debated only yesterday on the motion for the adjournment of the House demonstrated what I consider to be the ignorance of people who are handling town planning in the metropolitan region.

Overnight I have discussed the reply given to that question with others who are qualified and who are affected and they agree with my point of view. When I say "overnight" I mean up to 2.00 a.m. The people to whom I have referred support my criticisms of the answer given by the Leader of the House to question 7.

I questioned who was actually planning the development of the north-west corridor. I would say the large development companies are doing the planning. The modification to the amendment to which this motion refers proposes to rezone land between the Pinnaroo Cemetery and the Wanneroo Road from rural to deferred urban. That is the proposal.

That area, however, is not included in the Wanneroo Shire Council town planning scheme which was approved only in September, 1972. As I say, it is not even included in that scheme.

Accordingly why would these modifications come up from the M.R.P.A.? The reason for their having come up is that developers are ready to develop, and I have been told that some of them want to commence development in that area in October.

Who the devil is planning our region? Is it the authorities who are responsible for our planning, or is it the developers? The Honorary Royal Commission's report did make statements concerning the rewards given to powerful companies in return for their acceptance of the provision of water extensions, highways, etc.

I think the latest modification to the amendment would demonstrate that there could be some justification in the statement which the Honorary Royal Commission made.

Mention has been made by me about Parliament being used as a rubber stamp. Nowadays this seems to have become a common occurrence, and the present is a prime instance. The "powers that be" do something, and, after they have done it, they bring it to Parliament for our approval; instead of bringing it to us first. This must stop. It is making a mockery of Parliament and it is happening in other instances.

I have had the fortitude to have this matter debated and I sincerely believe that every one of my allegations is correct. I believe that the planning of the north-west corridor is a bureaucratic mess and that this mess must be cleaned up—and cleaned up quickly.

If due regard is given to the debate which has taken place in this Chamber on the motion, and to the conclusions and the recommendations of the Royal Commission which inquired into the Corridor Plan, then any future planning will be ahead of development instead of what is happening now—development being ahead of planning.

The development which will follow the correct planning will be legal. Not only that, but public opinion, public rights to object, and the right of the public to know what is going on will be protected because the people will have had a fair say in any matter before development takes place. That is most important because we have to look after the public interest.

During the Minister's reply to my motion he made the following statement—

> I hope I have shown to the satisfaction of the House that the charges levelled against departmental officers are groundless, that the proposed amendment merely implements agreements initiated and concluded by the previous Government, that the honouring of these agreements is in full conformity with the Corridor Plan, that the Technical breaches in the advertising and tabling of the amendment, though regretted, are minor, and that the Royal Commission's views on underground water supply have been fully respected.

I hope that the debate which has taken place in this Chamber has proved that the charges I have made are fully justified. I hope the members of this Chamber will accept the fact that the previous Government did everything correctly, in accordance with the Statutes, and there was no sign of incompetence or contempt. That certainly applies to my knowledge, and also to the knowledge of Mr. Baxter.

The Minister's speech, from which I have quoted, and to which I have referred, was delivered three weeks after I originally moved my motion.

The Hon. R. H. C. Stubbs: Would that be the fault of this particular Minister?

The Hon. F. R. WHITE: I am not complaining. The speech was delivered three weeks after I introduced my motion and I know the reasons. The delay was caused as a result of negotiations between myself and the other parties I have already mentioned. This was an agreement that the Metropolitan Region Planning Authority would pass a resolution on the 16th May.

One newspaper stated that I would be called upon—by the Public Service Commissioner—to back up what I had said, or back down. That gentleman has not yet contacted me. I have no intention of backing down, as I have proved this afternoon. I have not backed down with regard to any of my allegations, nor do I intend to do so.

I can support my allegations with further documentary proof, which I will not provide at this stage. I always believe in keeping an ace up my sleeve.

The previous Government did no wrong because it wrote into agreements the need for rezoning when considering development. Unlike the Minister for Town Planning and his advisers, I do pay due regard to the public interest. I would not desire that hundreds or thousands of men be put out of work and become unemployed. I would not wish that the supply of homes onto the market be restricted, nor would I wish that any action be taken that may increase the cost of building lots.

During the three-week period following the introduction of my motion I agreed that if there were adequate support for my complaints, from the Minister—and he has supported them, he has not denied them or even denied the rezoning charges because he endeavoured to make a right out of two wrongs—and if the areas of Joondalup and Lake Goollelal were resolved to become future open space, then in the public interest I would seek leave to withdraw my motion.

Therefore, in the public interest—and for no other reason—I now request leave to withdraw my motion.

Motion, by leave, withdrawn.

RAILWAY (COOGEE-KWINANA RAILWAY) DISCONTINUANCE BILL

Returned

Bill returned from the Assembly without amendment.

MARINE NAVIGATIONAL AIDS BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill authorises the establishment of navigational aids within port boundaries and is designed to prevent action for damages being taken against the Harbour and Light Department or any of the various port authorities in the event of a navigational aid, which is properly established and maintained, malfunctioning or becoming misplaced.

The need for this legislation became apparent as a consequence of a question posed by the Port Hedland Port Authority which was concerned that the accidental positioning or malfunction of a navigational aid within its port could cause a large ore carrier to founder.

The port authority recognised that, in such a disaster, there resided possible involvement in claims to the order of millions of dollars in respect of the replacement value of a ship. Large claims could be made to cover consequential losses of the ore exporting companies, ship owners, and the ore purchasers, because of the bottling up of the port for a lengthy period.

On referral to the Crown Law Department, it was confirmed that under certain circumstances a port authority could be held responsible for navigational aid malfunction or mispositioning with liability for consequential losses.

We were informed on the other hand that the Commonwealth Government was protected from any possible action in the event of failure of navigational aids under its control by an appropriate section of the Commonwealth Lighthouse Act.

In the circumstances it is considered necessary to exempt the State, port authorities, and other officers of the department or others acting in good faith, from liability in respect of a defective navigational aid, subject to its having been established and maintained under this proposed Act.

One other matter which requires explanation is the decision to include a clause in the Bill giving the Harbour and Light Department and port authorities the right to establish, alter, maintain, and remove navigational aids. Investigations arising out of the decision to introduce legislation to limit claims for damages highlighted the fact that there was no legislative authority to establish navigational aids within harbour boundaries. The Bill rectifies this omission and backdates the authority to establish navigational aids so that any aid placed before the commencement of this Act is lawful.

I emphasise that this measure imposes an obligation to maintain the navigational aids that may be established, and provides that it is a punishable offence to interfere with the operation of a navigational aid.

Furthermore, any person convicted of interfering with a navigational aid may in addition to the statutory penalty, be called upon to pay the cost of repairing the aid and the amount of damage caused by such interference.

I commend the Bill to members.

Debate adjourned until a later stage of the sitting, on motion by The Hon. G. C. MacKinnon.

(Continued on page 2193).

PUBLIC SERVICE ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. R. Thompson (Minister for Community Welfare) in charge of the Bill.

Clause 2: Section 52 amended—

Progress was reported after the clause had been partly considered.

The HON. R. THOMPSON: Earlier this afternoon, during discussion on this clause, some questions were raised. As a result, progress was reported and since then we have had a senior Government officer present and discussed the matter with him. Several members took advantage of the opportunity for discussion and they included the Leader of the Opposition (The Hon. A. F. Griffith) and the Leader of the Country Party in this Chamber (The Hon. L. A. Logan). I will now read out an explanation which, I hope, will clarify the position. It reads—

> The decision of the Government is that all Government Employees are entitled to four weeks annual leave in 1973. This means in respect to Wages Employees and Temporary Public Servants that they will be getting four weeks annual leave in respect to service in 1972.
>
> The Public Service takes its leave partly in advance.
>
> A Public Servant is entitled to take the whole of his 1973 leave in 1973. Therefore, to bring the Permanent Public Servant into line with the Temporary Public Servant and Wages Employees, it is necessary to give him four weeks annual leave in respect to his service in 1972.
>
> Whether or not a Permanent Public Servant has taken his 1972 leave in 1972, he will be entitled to four weeks leave for 1972 on the passage of this Bill.

The Hon. A. F. GRIFFITH: I thank the Minister for the trouble he went to. I had the benefit of listening personally to the explanation given by the Chairman of the Public Service Board (Mr. Doig). I am perfectly satisfied and as far as I am concerned no further words are necessary.

The Hon. J. HEITMAN: It seems to me it is made retrospective, despite all the arguments we heard. Could we have some idea of what it will cost the taxpayers to make this additional leave retrospective to 1972 rather than making it operative from 1973?

The Hon. R. THOMPSON: I do not think it would be possible for anybody to answer that question at this point of time, because when the four weeks' annual leave comes into operation it is possible it will be necessary to employ more people.

The Hon. J. Heitman: You will need to employ many more to take up that extra week's leave.

The Hon. R. THOMPSON: That might follow. I have asked this question myself quite a few times, anticipating it would be asked of me, but I regret I have not been able to obtain an answer. Had I received a reply, I would convey it to the honourable member.

The Hon. J. Heitman: Perhaps we can ask the question at a later date.

The Hon. R. THOMPSON: The answer will probably not be available until the Estimates have been prepared.

Clause 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. R. Thompson (Minister for Community Welfare), and passed.

CITY OF PERTH ENDOWMENT LANDS BILL

Second Reading: Defeated

Debate resumed from the 23rd May.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.34 p.m.]: I thank those members who spoke to this Bill, although I do not know whether or not I will be able to thank them later on. Time will tell. I have obtained answers to the points raised during the debate.

In answer to Mr. Williams, the relative merits of the unimproved value and annual value systems of rating have been debated for many years and the pros and cons of the two systems are well known. It is true that the unimproved system of valuation has the effect of not increasing rates on land on which large and valuable buildings are erected. On the other hand, the size of the dwelling and the value of the property are often interpreted as a measure of the owner's ability to pay, and there, it is claimed, annual values should be applied.

However, the purpose of the Bill is to bring uniformity into the basis of rating of the district of the City of Perth, and because cities and towns are required to be rated on the annual value method under the Local Government Act, it is preferable to vary one ward and bring all the others into line with the endowment lands. If

unimproved values were adopted throughout the whole district the effect might be disadvantageous to the average home owner and of benefit to the ratepayers of the central city area.

Much has been said concerning the justification for the proposal that money received for the sale of land in the endowment lands area should be available for expenditure on capital works wherever required in the district. This is in conformity with the general principle of the Local Government Act which envisages funds being expended where most needed for the benefit of the district as a whole rather than attempting directly to relate such ex-expenditure to the area in which the funds were raised. For this reason, section 531 of the Local Government Act specifically precludes the keeping of separate ward accounts. The conditions which existed in respect of the endowment land in 1920 are no longer applicable today, and there seems to be no justification for retaining either the provisions of the Act relating to the construction of tramways or the requirement that proceeds of sales should be spent exclusively in this area.

Because of the changes which have occurred, it is equitable that this area should contribute to the cost of operations of the city on the same basis as the remainder of the district, and that funds should be expended where the need is greatest.

Mr. Baxter, Mr. Medcalf, and Mr. Logan put forward various points of view. Most of the discussion revolved around the various merits and demerits of systems of valuation, and it is emphasised that this is a very complex subject which cannot be adequately dealt with unless all aspects of it are exhaustively examined with a clear understanding of the precise definitions of the various methods named. Considerable misunderstanding of the existing provisions of the Local Government Act in respect of valuations is apparent. The methods of valuation under this Act are unimproved values and annual values—not unimproved capital values or annual rental values. The name of the method, of course, is not significant, but it is important to realise that the description of the method as set out in each particular item of legislation is of great significance when making comparisons. For instance, the method of assessing values under the various water supply Acts in this State vary from each other and from the bases of assessment prescribed in the Local Government Act. It is therefore something of a futile exercise to attempt to make comparisons.

Reference was made by Mr. Baxter to assessments of valuation by the Taxation Department. It should be noted that the Council of the City of Perth employs its own City Valuer to undertake this work.

The question has been asked why the City of Perth Endowment Lands Act has not been repealed in full and the provisions of the Local Government Act applied to the area. The reason is that the council is not seeking to vary completely the original provision that funds derived from the sale of land should be spent in the area. It proposes merely to transfer to other areas of the city such sums as cannot be justified as capital expenditure for the benefit of the whole of the district and which constitute a considerable surplus above the necessary requirements of the endowment land. It is not intended that the total receipts from this source should be transferred for use anywhere in the district for any purpose.

Reference was also made to the question of the repeal of by-laws made under the existing legislation. Such repeal would have to be the subject of separate action and until the by-laws were repealed the existing by-laws would continue to apply to the area. There has been no suggestion that it is the intention of the council that they should be repealed.

Question put and a division taken with the following result—

Ayes—9

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

Noes—15

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

Pairs

Ayes	Noes
Hon. D. K Dans	Hon. Clive Griffiths
Hon. W. F. Willesee	Hon. N. McNeill

Question thus negatived.

Bill defeated.

SEED MARKETING ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. D. J. WORDSWORTH (South) [5.46 p.m.]: This is a short Bill to ensure the continued existence of the Seed Board, which was originally known as the linseed board. The original Act was passed in 1969, and gave the board a three-year term. That term will expire on the 28th August next. Consequently we are rushing through this Bill in the dying hours of the session to enable the board to continue its operations. I hardly feel that the conditions at the moment are such as to allow Parliament to consider soundly the functions of the board during the last three years before it gives its

blessing to enable the board to continue. Nevertheless, fortunately the board has done a good job, and little criticism can be levelled at it.

The first observation I would like to make is that when the linseed board was set up a fair amount of linseed was grown, but now only a small amount is grown. It is indeed most fortunate that we have added rapeseed and other seeds to those handled by the board, otherwise there would be no need for it. Linseed is very susceptible to wind, and, as members know, in the past few weeks high winds have been experienced in the south. This has made farmers frightened to plant linseed in the coming year. Last year 1,700 tons were grown. We have a local market for 1,000 tons of linseed, which will produce 300 tons of oil, 250 tons of meal for the dairy industry, and 350 tons of feed for processing plants. Hence, linseed is still an important crop.

It seemed as though rapeseed would take over as the major crop in the south of the State. Last year 20,000 acres of rapeseed were planted, but most of it was wiped out as the result of a disease. Whereas it was hoped to harvest 40,000 tons, in fact only 4,000 tons were harvested. Members will understand that was a disastrous occurrence.

The provisions of the Act allow for research, and the Department of Agriculture has done very good work; it has now come up with a suitable treatment for rapeseed. It now seems that the disease Blackleg which wiped out so much of the previous crop can be prevented by treating the seed before planting and by using particular types of seed. Of course, one wonders how much rapeseed will be planted because, as a result of high wool prices, many farmers are giving their land a rest, and others are unable to purchase the machinery necessary for the growing of rapeseed. The high prices being received for wheat and barley may cause a change of crops in the south of the State, and farmers may revert back to the former safe-to-grow crops. This is rather unfortunate, because I think a vast market exists for oilseeds.

Mr. Williams mentioned that margarine is being manufactured from imported sunflower seed. He said that 52,000 tons of oilseeds were imported into Australia last year; and it is interesting to note that 70,000 tons were exported.

The Hon. R. H. C. Stubbs: What districts, apart from Esperance, would grow rapeseed?

The Hon. D. J. WORDSWORTH: Rapeseed growing started in the Esperance area and spread to the south coast—to Albany. It can even be grown in the better rainfall areas of the wheatbelt.

The Hon. R. H. C. Stubbs: It would favour the coastal area in the main?

The Hon. D. J. WORDSWORTH: Yes because in those areas farmers were not allowed to grow wheat in the first place. Rapeseed is similar to wild turnip; it grows quite well in the wheatbelt.

It seems ridiculous that we are exporting 70,000 tons of oilseeds and importing 52,000 tons. This highlights the difficulty experienced by the growers and consumers of oilseeds in Australia in the negotiation of prices. This problem is further compounded by the setting up of boards which have a monopoly on negotiations on behalf of the growers. I suppose the processors would consider that the argument is one-sided. Nevertheless, this situation is good for the grower and the board was established to negotiate the highest possible price.

I certainly do not wish to take sides in the conflict which has arisen over the negotiation of prices. However, I would like to say that I was contacted by a crusher and was rather interested to hear his side of the story. Rapeseed is currently worth $130 a ton f.o.r. Needless to say our crop is not yet planted and will not be ready for harvesting for nine months.

The PRESIDENT: Order: Will the honourable member please address the Chair, as the *Hansard* reporter cannot hear whispered interjections.

The Hon. D. J. WORDSWORTH: The board is asking the local crushers to commit themselves in advance to the payment of $130 a ton for rapeseed; but in actual fact the future market is now standing at $108,which means that processors of rapeseed consider it worthwhile paying $108 a ton nine months in advance. In other words, if a grower wishes to obtain a guaranteed price he must drop his price $22 a ton in order to be sure that he will receive that price in nine months' time. I gather the crushers are offering $115 a ton, in advance, without guarantee of delivery. That is between the two prices. I can well understand that very difficult negotiations have been going on between the board and the crushers. As a woolgrower I know the difficulty of trying to negotiate a good future price. Therefore, I can understand why a certain amount of conflict has occurred. I hope the board can resolve the difficulties, because it is ridiculous to think that we are exporting and then importing our oilseeds.

I would like to raise one further point. Section 33 of the Act states—

> (1) The Board shall at least annually make and submit a written report of its activities to the Minister with a true copy of its accounts as last audited and a copy of the Auditor-General's report on those accounts.

(2) As soon as practicable after receiving the documents referred to in subsection (1) of this section, the Minister shall cause copies of them to be laid before both Houses of Parliament.

Mr. President, I would like to draw your attention, and that of the Government, to the fact that to date no reports have been placed before either House of Parliament; and the board has been in existence for almost three years. I hope in future the Minister will table such reports according to that provision in the Act. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [5.55 p.m.]: Considerable debate ensued in this Chamber, I think it was last year, in connection with the changing of the title of this Act. Formerly it was called the Marketing of Linseed Act, and its name was changed to the Seed Marketing Act. At that time our discussions did not range around the question of the title so much as the question of the compulsory acquisition of all types of seed which were to come under the Act in future, and the question of the possibility of some persons who had been making private contracts for the sale of their seed being permitted to continue to do so.

You will recall, Sir, that this House agreed to a small modification of the Bill then before us to enable a private contract to be made under certain circumstances with the approval of the board.

We are now asked to agree to an extension of the life of the board by a further three years, because its term will expire in August of this year. I do not oppose this extension, but I was heartened to hear the comment of Mr. Wordsworth that the board is doing a good job because I would hate to think we were extending the life of the board if it was not doing a good job.

I have noticed that boards tend to become self-perpetuating. We have had a number of examples of boards being set up for a limited period, and periodically Parliament is asked to extend their terms. The point I would like to make here—and I am not referring specifically to the Seed Board—is that when a Bill is introduced in the closing stages of the session to extend the term of a board I feel sometimes the matter does not receive the consideration it might receive if the Bill were introduced in the early stages of the session. I realise this Bill could hardly be put aside until the early stages of the next part of the session, because the term of the board expires shortly; but I think the measure could have been presented earlier this year so that we may have had an opportunity properly to debate the work of the board, and perhaps publicly to justify its existence.

The Minister has said—and I accept his comment—that this Bill has the approval of the Farmers' Union; I accept that, and I was heartened to hear Mr. Wordsworth say that, generally speaking, the board is doing a good job. However, I draw attention to the fact that boards do tend to become self-perpetuating.

I am a little concerned at Mr. Wordsworth's comment that in spite of the requirement of the Act that the board shall present a report annually, no report has been presented for the last two years; because I believe not only should a report be presented to the Minister, but the Parliament should consider the report through one of its committees.

The Hon. D. J. Wordsworth: It may have presented a report to the Minister, but the Minister has not presented any reports to the House.

The Hon. I. G. MEDCALF: If that is the case I am not casting any reflection on the board. Nevertheless, I believe it behoves Parliament to take a keen interest in all governmental and semi-governmental boards. I know we cannot do that without our ordinary processes, but I believe it is fitting that Parliament should consider the reports of all marketing boards each year.

We should review the results and find out the cost to the industry; we should find out whether it is run efficiently, and what are the advantages which we anticipated would be derived when the original legislation was passed. To me that is the important aspect.

It is not sufficient that we rubber stamp the board and give it another lease of life. It may be a very successful board, but I would like to be reassured through an examination by some committee. At this stage there is no opportunity to do that, and the Government should give consideration to establishing that type of committee, not to review the legislation, but to review the operations of statutory marketing boards and to ensure they are giving the public value for money.

With those comments I support the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [6.01 p.m.]: I thank Mr. Wordsworth and Mr. Medcalf for their support of the Bill. I shall draw to the attention of the Minister concerned the point made by Mr. Medcalf regarding the tabling of documents in this Parliament. I hope to be in a position to do that when Parliament reassembles.

Mr. Wordsworth knows the subject very well, because he lives in Esperance where this pursuit is followed. When I was

sitting on the opposite side of the House and represented this area up to 1965, before the readjustment of electoral boundaries, I worked on behalf of the people involved in the seed industry to set up a marketing board. I wrote many letters and asked The Hon. A. F. Griffith many questions on this subject, but after the redistribution took place I ceased to take a particular interest in the district.

The Hon. A. F. Griffith: I remember dubbing you with the title of "Member for Questions".

The Hon. R. H. C. STUBBS: I did ask a few in those days, but now I have lost that title. I thank members for their support of the Bill.

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

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

CLOSE OF SESSION

Announcement

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [6.05 p.m.]: I seek leave of the House to make a statement about sitting this evening and the possible closing of this part of the session.

The PRESIDENT: Leave granted.

The Hon. J. DOLAN: I used the word "possible" but it is more than probable that this part of the session will conclude this evening, so it is proposed that the House sit after tea. I understand we will not be required to return here next Tuesday. I have to be very guarded in making this statement.

The Hon. A. F. Griffith: I have reason to believe it will be perfectly all right for you to do that, because the Premier has written a note!

The Hon. J. DOLAN: That is official. I thought I would let members know of the arrangement in case they have to cancel engagements.

The Hon. A. F. Griffith: When you move that the House adjourn this evening will you be moving the adjournment to a certain date, or to a date to be fixed by Mr. President?

The Hon. J. DOLAN: To a date to be fixed by Mr. President, but I can indicate either privately or in the House the date when we hope to reassemble Parliament.

The Hon. G. C. MacKinnon: Guess the date loudly!

Sitting suspended from 6.07 to 7.30 p.m.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [7.33 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Bill to repeal the Road Maintenance (Contribution) Act, and unless this Bill is passed the Government will not proceed with the other and it will not become law.

To replace road funds which would no longer be forthcoming if the Road Maintenance (Contribution) Act is repealed, it is proposed to amend the third schedule to the Traffic Act to provide a new scale of fees for commercial vehicles.

At this stage it is estimated road maintenance contributions in 1973 will amount to approximately $3,300,000 compared with $3,800,000 last year. As there will be a number of vehicles with unexpired portions of licenses to run after the commencement date of the measures provided in this Bill, there will be some loss of road funds during the transition period; but following that period it is expected the proposed scale of fees will yield approximately $3,600,000 in the financial year 1974-75. It may be seen, therefore, that there will be virtually no loss of road funds arising from the new scale of fees.

Should the Bill be passed through all stages and assented to, it will not be proclaimed until the Road Maintenance (Contribution) Act has been repealed.

The new scale of fees amending the third schedule is set out in metric terms and so that members do not have to trouble themselves with conversions, they are assured that the scale of fees is a reduction of 5 per cent. to the nearest dollar on those previously considered by this House in 1971.

The reason for the change is that we are hoping to get the Bill passed; and as an inducement to achieve that the Treasurer is reducing the amount of license fees previously proposed and making other concessions. It is as simple as that. I hope members will not object to that.

For motor wagons, prime movers and trailers with an aggregate weight of 2540 kilograms or more, the new scale of fees provides for assessment on the basis of aggregate weight; that is, tare plus load capacity, calculated in accordance with the vehicle weights' regulations.

Under this method of assessment, it may be expected that a road haulier who operates a vehicle or a combination of vehicles with specifications appropriate to the type of work he is doing and at a level which could normally be considered economic, will pay an equitable fee.

In cases where the vehicle or combination of vehicles are at present subject to road maintenance contribution, a saving in fees will generally be shown, even when the vehicle travels as few as 800 kilometres per week.

The following are examples—

	Tare	Aggregate	Road Maintenance plus half license	Proposed
	kg	kg	$	$
International Semi-trailer (40 237 km per annum)	7 620	20 320	1,009	649
Foden Truck .... (40 237 km per annum)	8 128	22 252	1,095	743
Mercedes Semi-trailer (48 280 km per annum)	9 144	25 908	1,469	948
Large Semi-trailer (56 327 km per annum)	12 446	36 576	2,347	1,519

There will be increases in fees for commercial vehicles with a load capacity that does not at present attract road maintenance contribution, but it must be remembered that in other States road maintenance contribution is paid on a load capacity of 4064 kg—four tons—or more, and registration and license fees are generally in excess of those applying in this State at present.

In this connection I would advise members that recently the Premier of Queensland—The Hon. Bjelke-Petersen—told the Premier of Western Australia that his State collected approximately $8,000,000 from the road tax, apart from the road maintenance tax.

The Hon. J. Heitman: That is because Queensland charges 3c per mile in competition with the railways.

The Hon. J. DOLAN: If the commercial vehicle is owned by a person engaged in the business of farming and grazing, concessions of two-thirds will apply and he will pay only one-third of the normal fee on two of his motor wagons.

The last time a similar Bill was introduced in 1971 the concession was granted in respect of only one motor wagon. Now it is considered that if the concession is given on two motor wagons, that should meet the requirements of farmers; that is, provided the two motor wagons have a tare of not less than 1524 kilograms and the vehicle is not a station wagon. The effect will be largely to exempt farmers and graziers from the increase in fees, although some may pay a little more or a little less.

In cases where a vehicle, previously subject to road maintenance contribution is used at a level well below that at which a competent haulier would operate, an increase in total fee may be expected.

It is difficult to find a basis of assessment which is simple and yet fair to all types of vehicles and operators, but it is believed that assessment on the basis of aggregate weight will generally be more equitable than the previous basis of tare weight.

Admittedly, a scale of fees related to road usage would appear to be the ultimate, but no satisfactory means of implementing such a proposal is available to the States and the difficulties and cost of collecting road maintenance contribution illustrates this point.

It is expected that anomalies may present themselves and these will be reviewed from time to time. An increase in fee, however, is not necessarily an indication that an anomaly has been created, as it may have been brought about by the correction of a previous anomaly.

In the case of a prime mover and semi-trailer, it is proposed to attach the fee mainly to the prime mover. Concessions relating to semitrailers will be eliminated, and these will be licensed at a flat fee of $10.

There has been some concern at the possibility of vehicles licensed in other States operating commercially in this State to the detriment of operators who license their vehicles in Western Australia. The proposed amendment to section 5 and the addition of section 5A, is to require licenses to be taken out in this State where commercial vehicles are operating on other than interstate trade. Reciprocal rights will be retained for residents of other States who visit this State as tourists, in other than commercial vehicles.

It is appreciated that many of the lighter-type station sedans and utilities are operated as private vehicles and where the tare does not exceed 1778 kg provision has been made for these to be assessed at the same rate applying to a motorcar where the vehicle is used for private or domestic purposes, or is owned and used solely by a charitable, benevolent, or religious institution.

A person carrying on the business of farming and grazing—and who uses a wagon mainly for the carrying of the requisites for or products of that business—is, in respect of one property, at present entitled to a concession of one-half of the normal license fee in respect of one vehicle of a tare of 1524 kg or more. This concession is to be increased to two-thirds and will be extended to a second vehicle.

These concessions will not apply to station wagons, some of which now have a tare exceeding 1524 kg or 30 cwt.

While no adjustment of license fees will be made in respect of vehicles currently licensed when the new rates come into effect, provision has been made to prevent deliberate manipulation to obtain the benefit of the unexpired portion of a previous license fee. Where a vehicle is deliberately delicensed and relicensed with the view to extending the period of license at a lower rate, the local authority will be entitled to recover payment of the difference and refuse to license the vehicle until the amount has been paid.

As a deterrent to that small minority of persons who may be expected to make false statements concerning the use of a light utility or panel van for private purposes, it has been made an offence to make a false or misleading statement or representation in a declaration for the purpose of obtaining a concession.

The subject of this Bill is to replace funds needed for road construction and maintenance. No measure to increase fees is met with enthusiasm, but an objective assessment of their effect on the tranport industry as a whole will indicate the merits of the proposals. The present system gives encouragement to the marginal transport operator who endeavours to avoid paying his contribution to road maintenance, if he is to remain in business, and I do not believe this is a desirable state of affairs. I believe the basis of assessment is sound and the scale of fees reasonable and equitable. I commend the Bill to the House.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT REPEAL BILL

Receipt and First Reading

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

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [7.45 p.m.]: I move—

> That the Bill be now read a second time.

The Premier, when introducing this measure in another place, reiterated some of the matters which he had put before the House on the occasion when a similar Bill was presented in August, 1971. At that time he said that members of the Labor Party had always maintained that road maintenance tax was an iniquitous imposition. When one recalls that this was said in August, 1971, and here we are nearly two years later with the tax still in force, one finds members opposite have had plenty of opportunity to question and prove—if they could—that such a statement was in fact incorrect or exaggerated.

However, it seems that it is significant that no contradiction has been forthcoming and we can conclude therefore that the Premier's criticism of the legislation cannot be refuted.

As is well known, this Government has made strenuous efforts to relieve, or even absolve, some truck operators from the effects of the tax but it seems that the effects of the tax are so devious as to make it almost impossible to provide any real relief.

On the previous occasion, in voicing the Government's objections to the Road Maintenance (Contribution) Act, the following points were made—

> that it falls heavily on those situated in isolated areas remote from railways;
>
> that most sections of the farming community, including the Farmers' Union, are strongly opposed to the tax;
>
> that the collection of the tax poses many administrative problems for the transport commission;
>
> that the truck owner drivers are involved in much book work in complying with the requirements of the legislation;
>
> that much unfavourable publicity has arisen because of the many prosecutions imposed; and
>
> that other States in Australia with similar legislation have also found this to be an unpopular taxing method.

The Hon. A. F. Griffith: How many of the States have dropped it?

The Hon. G. C. MacKinnon: Off the cuff, can you tell us a popular one?

The Hon. A. F. Griffith: The question which came to my mind was: Which other State has dropped it up to date?

The Hon. J. DOLAN: I said that it was found to be an unpopular taxing method. Those statements are as valid today as they were in August, 1971.

No responsible Government should continue to impose on a section of the community such an unpopular piece of legislation. This Government's proposal to replace this tax by increasing commercial vehicle registration fees will resolve many of the problems which I have just outlined.

In respect or this amending legislation, the Premier advised that—having given the Opposition the opportunity in 1971 to repeal the tax without imposing license fees—he now proposes not to abolish the

tax without imposing license fees because the income is necessary in order to ensure that local authorities will have sufficient resources.

The Hon. G. C. MacKinnon: I did not know he had such a delightful sense of humour.

The Hon. A. F. Griffith: It sounds like a Fitzpatrick travel talk.

The Hon. J. DOLAN: I hope I have a better voice.

The opportunity which was presented to the Opposition in 1971 to repeal the tax without imposing license fees was not taken advantage of at the time and is not to be given again, because for the reason now advanced we want both Bills passed.

The Hon. J. Heitman: You want more dough, too!

The Hon. J. DOLAN: As indicated earlier, the Government's proposals to replace this tax by increasing commercial vehicle registration fees will resolve many of the problems already outlined and there will be a saving on administrative charges as well.

This Bill eliminates a taxing measure which, since it came into effect in 1966, has placed an unfair burden on the community.

Only quite recently the Premier received a submission from a person who has stated that he has organised the owner-drivers and was speaking on their behalf. In that submission it was suggested that a system of increased licensing would be welcomed in place of road maintenance tax. In reply, the Premier advised that the proposals he put forward would be examined but they were more or less in line with what is before the House now. I commend the Bill to the House.

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

MARGARINE ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

MARINE NAVIGATIONAL AIDS BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. G. C. MacKINNON (Lower West) [7.50 p.m.]: The second reading speech made by the Leader of the House was clear, concise, and it explained in careful terms the exact purpose of this legislation.

In the Port Hedland Port Authority Act, similar power to that proposed in this Bill was provided in paragraphs (a) and (b) of section 24 (3). Unfortunately, as the Minister said, this power did not extend to other port authorities. It has also been found, despite the authority provided by that Act, no protection is provided against civil action claims in respect of anything which may go wrong. This provision has also been written into the measure.

Section 71 of the Port Hedland Port Authority Act deals with the offence of damaging lights, buoys, beacons, etc., but again this provision did not extend to other port authorities. It is included in the Bill now before us so that any port authority or the State itself is covered. These provisions already exist in the Commonwealth Lighthouse Act and this establishes the precedent for the legislation.

I believe it is a timely piece of legislation. Now the need for it has been brought to our attention, it should be passed. I recommend support for the second reading of the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [7.53 p.m.]: I thank Mr. MacKinnon for his endorsement of the principle I outlined in my second reading speech. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

LAND AGENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. I. G. MEDCALF (Metropolitan) [7.56 p.m.]: This very short Bill is to amend section 5A of the Land Agents Act by adding a new subsection. Section 5A reads as follows—

> Applications for renewals and transfers of licenses may be made and shall be dealt with in accordance with the regulations.

The Minister now proposes that section 5A shall be designated subsection (1) and that we will add a further subsection, designated (2), to provide that where an application is made within 12 months, the

Court of Petty Sessions may renew a land agent's license, and this renewal will have the effect of validating or legalising actions taken by the land agent in the meantime in connection with his normal work.

I do not argue with this principle. Members are aware of the difficult situation which arose in Albany, and the Minister referred to it. I understand a number of land agents did not renew their licenses in time, because the forms were not available. Section 5 contains a very strict provision in this regard. It says—

> (1) Such license shall take effect from a date to be therein stated, and shall expire on the thirty-first day of December next following, and shall authorise the licensee to act as a land agent in Western Australia during the currency of the license, unless the same is cancelled as hereinafter provided.

Of course, the effect of this subsection is to impose an absolute termination of a land agent's license on the 31st December every year. If something happens to go wrong, a very difficult and embarrassing situation could arise and cause severe hardship, quite apart from loss of business, to the land agent. Perhaps some inadvertence may cause a land agent not to renew his license.

We discussed this matter here some 18 months ago during the debate on a private member's Bill introduced by Mr. Ferry. It was then suggested that legislation such as that before us now was a solution to the problem. When a license is due for renewal, a land agent may be sick, away on business or on holidays, or even, as in the case at Albany, may find that no forms are available, and the licensee will then lose his license. I therefore approve of the measure and I believe members should support it.

I wish to make one comment. The Bill contains provision for a land agent to renew his license at any time up to 12 months after the expiry date. This means that a land agent whose license falls due on the 31st December, as it must under the Act, has another 12 months in which to renew it. I believe this period is too long. The purpose of the legislation is to cater for the unexpected situation, such as that occurring in Albany, or where a land agent may be sick or away from his business. This is the type of situation for which we want to cater.

I do not believe it is necessary to allow a period of 12 months in which to renew a license, because by the end of this current 12 months, five months will have already elapsed before the Bill becomes law.

The Hon. A. F. Griffith: If he were operating during the period would he continue to be unlicensed?

The Hon. I. G. MEDCALF: Any time during that 12 months he would be operating as an unlicensed land agent.

The Hon. A. F. Griffith: Could action be taken against a person for operating as an unlicensed agent?

The Hon. I. G. MEDCALF: Yes, indeed. Also, it could well be that the land agent may have to forfeit some of the commission he earned during that period.

The Hon. A. F. Griffith: If that is the situation which would apply to a period of 12 months, would not the same situation apply to a period of six months?

The Hon. I. G. MEDCALF: It would indeed, but I believe we have to allow some leeway to cover this unexpected situation. I suggest to the Minister that he might give some consideration to some lesser period than 12 months. I would prefer three months but if we agree to a period of three months that period would have already expired for this year by the time the measure becomes law. I would think a period of six months would be sufficient to enable a land agent to renew his license; that is, before the 30th June. It seems to me that a period of six months should be enough to allow any person to renew his license when he has inadvertently failed to renew it at the proper time.

Twelve months is too long, because that would mean a land agent whose license had expired on the 31st December, 1972, would have until the 31st December, 1973, to apply for a renewal of his license that could expire on the 31st December, 1973. It would seem to be much more practicable to extend this period to only six months. This would place the onus on the land agent to show more care in ensuring that his license is renewed at the proper time. However, if because of some inadvertence he does not renew his license he would then have an opportunity to renew it within six months. Further, should a land agent fail to renew his license within the period specified under the law he not only runs the risk of incurring a penalty but also of forfeiting the commission he has earned during that period.

I applaud the humane provision that has been inserted in this Bill to extend the time in which a license can be renewed. Further, the provision does contain a certain safeguard because it states—

> . . . the Court of Petty Sessions may if it thinks fit renew the license . . .

Therefore the court of petty sessions has to be satisfied that there is some legitimate ground for renewing the license; namely, that the agent has been under some handicap—such as in the case that occurred at Albany—or that he had been absent from the State when his license had expired.

In view of that I think the words in the Bill have been chosen carefully and well and provide a safeguard. Nevertheless I suggest to the Minister he should consider that 12 months may be excessive and that a six months' period may be practicable and more in keeping with the responsibilities of land agents to ensure that their licenses are renewed promptly. Therefore I hope the Minister will give expeditious consideration to that suggestion in view of the fact that this is our final night of this sitting of Parliament.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [8.04 p.m.]: I take this opportunity to make some brief remarks. I understand a suggestion was made in another place that this Bill should be given a limited life of 12 months and I agree that this would be a satisfactory way to deal with the suggestion. I also agree wholeheartedly with the statement made by Mr. Medcalf that the period of 12 months in which a land agent can renew his license is excessive. This would mean that a land agent who has failed to renew his license could be operating for a period of 12 months without a license, in the way the Bill is written. That is an undesirable state of affairs apart from the fact that obviously the standing of a land agent in the community—in relation to his commission and the legality of his activities whilst he is unlicensed—could, to say the least, be in doubt.

I realise, at this point in time, why the Government has provided a period of 12 months in the Bill—realising that the first five months of this year has already elapsed, and a number of land agents are obviously now operating illegally—because it could find itself in the position that it does not have the power to renew their licenses. Therefore a land agent who finds himself in this position is obviously operating illegally.

It is also obvious from the explanation given to us by the Minister that this is not altogether the fault of the land agents who are placed in this position. Apparently some oversight in the departmental administration contributed to this situation. Like Mr. Medcalf I would prefer to see the period of 12 months reduced to three months. I do not intend to move an amendment, but I agree with that suggested by Mr. Medcalf because it is quite simple. It will mean that the word "twelve" will be deleted, and the word "six" inserted. In all the circumstances I think that is the most simple solution to the problem that has arisen.

Finally, I understand the Government has another revision of the Land Agents Act in course of preparation and I strongly recommend to the Government that it should look at the proposition put forward by Mr. Medcalf; that is, that we should resort to what is now in the principal Act and this will merely extend the right—as this Bill does—of a land agent, who finds his license has expired, to renew it within a period of three months. Such a provision would be sufficient to cover any exigency or unforeseen circumstance that may arise to prevent a land agent from renewing his license at the proper time. It could be that he was absent overseas, or that the license was not renewed because of an oversight on his part.

A great deal of responsibility should continue to rest on the land agent himself to renew his license. I cannot imagine a solicitor finding himself in the position of practising without his certificate, and I cannct imagine that a doctor would practise without his qualifications being duly registered. In fact, I cannot imagine any professional man who is required to register to allow his registration to lapse and go by default unless there were some reason for his doing so.

Therefore in the circumstances which exist, and which have been related to us, I support the Bill, but I hope the Minister will see the wisdom of reducing the period from 12 months to six months.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [8.10 p.m.]: I thank Mr. Medcalf and the Leader of the Opposition for their comments on the Bill. First of all, perhaps I should refer to the point which has been raised. I have had my Whip confer with the Minister who handled the Bill in another place and he said that the Law Reform Committee, within the next session of Parliament, proposes to review the whole of the Act and the legislation will be brought up to date by an amending Bill. Therefore the point that has been mentioned will be covered at that time.

I feel at this stage that it might be desirable to agree to the provision that is in the Bill so that the present position will be covered. I take it that all the people on the list of registered land agents would have been contacted by the licensing authority to check that they have renewed their licenses. I feel we would not be doing any real harm by agreeing to the period of 12 months. I intend to read to the House a memorandum from the Under-Secretary for Law on this matter because I think this gives an explanation which is more explicit than the one I gave during the second reading. This memorandum reads—

> The licenses of all land agents in the Albany District have not been renewed for the current year. The fault for the non-renewal is in some cases due to the failure of the Court to deal with applications lodged within the prescribed time. Other licensees claim that they were unable to obtain

the necessary renewal forms from the Court in sufficient time to enable renewals to be effected before the 31st December, 1972.

The Court has no power to renew a license which has lapsed.

Therefore, if we reduce the period to six months we may still find the odd man left out. I think we should leave the period in which a land agent can renew his license at 12 months to cover the existing situation and when land agents have learned their lesson—I think there has been some mention that those who have defaulted may have to return the commissions they have collected during the period they have been functioning as an unlicensed agent—this will ensure that they will renew their licenses on the proper date. The memorandum by the Under-Secretary for Law continues—

The Inspecting Clerk of Courts is preparing a full report on the circumstances under which this unsatisfactory position has arisen. As some of the blame rests with the Court, you may consider it advisable to seek an amendment to the Act to empower the Court to renew a license which has expired during the previous twelve months and for such renewed license to be deemed to operate from the date of expiry of the previous license.

It might be possible for the Albany land agents to apply for a new license under the provisions of section 4(3) (a) (ii) of the Act. However this procedure requires them to complete all the formalities which are necessary in the case of an original application. This course involves cost as well as a time delay before a license can be granted.

I can see the wisdom of providing a period of less than 12 months, but when the Act is reviewed—as the Minister has assured me it will be—and presented next session, the situation can be remedied. However, in the case of the odd man out it might be advisable for the Bill to remain as is until a new Bill is submitted in the coming session.

Question put and passed.

Bill read a second time.

In Committee

Clause 1 put and passed.

Clause 2: Section 5A amended—

The Hon. I. G. MEDCALF: Having listened to the Minister I can appreciate that practical difficulties exist at present. I was very interested to learn that a new Bill will be prepared and presented to Parliament at a future date in order to straighten out the whole matter and perhaps one or two others associated with it in regard to which we have had a considerable amount of trouble during the last two or three years.

Having quickly read the regulations, I realise that a person must wait 35 days after he has lodged an application and if the restriction of six months were included he could not possibly achieve his objective by the time the Bill was assented to.

The Hon. A. F. Griffith: Does that include a renewal, too?

The Hon. I. G. MEDCALF: From my hasty reading of the regulation I would say that it does, but when I have made a careful examination of the regulation I may find I am not correct.

In the circumstances I believe the Minister's reasoning is perfectly sound. I agree with the Leader of the Opposition that when the legislation is reviewed perhaps a period of three months might be considered to be more appropriate than six months. On that basis I withdraw my objection.

The Hon. J. DOLAN: I appreciate what the honourable member has said and I will certainly make a special feature of it when I speak to the Minister so that the point is well covered when the new Bill is presented next session.

Clause 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. J. Dolan (Leader of the House), and passed.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd May.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [8.19 p.m.]: I went to some trouble in my introduction of this Bill to give the facts concerning the appointments and status of the present and two previous commissioners under both the Town Planning and Development Act and the Public Service Act. It is a simple fact that the present commissioner, as was his predecessor, was appointed as Town Planning Commissioner under both Acts. This situation was created during the office of the previous Government and I have no argument with the principle of appointing the commissioner on a permanent basis. However, the anomalous situation to

which I previously referred exists. Members who have spoken against the Bill are ignoring the fact that there is a permanent officer whose title is Town Planning Commissioner.

Certainly the present anomaly could continue without difficulty until the time when a Government of the future decided not to reappoint the commissioner of the time under the Town Planning and Development Act. If it appointed a different person under that Act then there would be two commissioners.

Mr. Clive Griffiths suggested that having the commissioner appointed on a contract basis would facilitate his move to some other appointment, but if a commissioner, permanent or on contract, wished to move to some other position he would then either resign on the one hand or conclude his contract on the other.

The fact that some heads of departments or authorities, professional or administrative, are appointed for a term of years does not necessarily mean that this is a good practice or in the best interests of the State. The State has been as well served by permanent officers of all classes as by short-term appointees and tradition is not necessarily a good precedent. I might also add that some of the appointees referred to by Mr. Clive Griffiths do not control departments in which the staff members are all subject to the Public Service Act.

Arguments concerning salaries are hardly appropriate in the situation with which we are faced at the present time. Again, as I stated in introducing the Bill, the Town Planning Commissioner is already a permanent officer of the Public Service and his salary and conditions are fixed on that basis. It follows therefore that there would be no change in his conditions of appointment.

I believe that if the circumstances arose in which the Government was dissatisfied with the performance of any senior public servant then it has sufficient scope within the Public Service Act to remedy the position. On the other hand, if a term appointee were found unsuitable early in his term, could the contract be terminated? If so, is it likely that any professional would be interested in such a one-sided proposition? If not, then the State would have to put up with that unsatisfactory person for the remainder of his contract term.

Mr. Medcalf has questioned the provision in the Bill validating matters in relation to the Town Planning Commissioner and deputy commissioner in retrospect. This provision was advised by the Parliamentary Counsel as a precautionary measure. I am unable to agree with the interpretation placed on the clause by Mr. Medcalf. It will be noted that the clause refers to matters relating "to the" commissioner and deputy commissioner and not to actions "by them". The purpose of the clause is to clarify the validity of the appointment of both officers under the Public Service Act in respect of their statutory functions under the Town Planning and Development Act. I believe it does no more than that. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Repeal and re-enactment of section 3—

The Hon. CLIVE GRIFFITHS: Members will have observed on the notice paper some amendments which I explained during my second reading speech. They would have the effect of retaining the *status quo* as far as the appointment of the Town Planning Commissioner is concerned, and I went to some lengths to explain that the Act provides for the Town Planning Commissioner to be appointed for a period of five years and for the appointment to be renewed for periods of five years.

Although the Minister replied to the debate, unfortunately I could not hear what he said because, as he has a sore throat he was speaking softly. However, I gather he was opposed to the proposition I submitted.

The position is very simple. Since 1928 the appointment of the commissioner has been by a five-year contract until Mr. Hepburn was appointed about 1953 at which time he insisted that he be appointed also under the Public Service Act to which the Government of the day agreed. Apparently Mr. Lloyd made a similar request which was granted. However, it does not necessarily follow that this will always be the situation. The position of deputy commissioner is purely an administrative role but the commissioner must of necessity be a professional town planner, which is the basis on which he is engaged. I also explained that town planners, by virtue of their profession, have a habit of moving from one place to another. Under the Town Planning and Development Act the commissioner knows he has been engaged for five years and he knows that if his service is unsatisfactory, he will not be reappointed for a further five years or, if he desires to move on at the conclusion of his term, he can do so.

When the time comes for the Government to appoint a new commissioner, it is the prerogative of the appointee to request that his appointment apply under the Public Service Act also. After negotiation

an appointment would be made and I cannot see why there is any necessity to alter that system. If a Town Planning Commissioner subsequently proved to be unsatisfactory, and he had been appointed under the Public Service Act, he would have to remain in the service. I move an amendment—

Page 2, lines 18 and 19—Delete the words "repealed and re-enacted as follows" and substitute the following passage—

amended by adding after subsection (2) the following subsections.

The Hon. R. H. C. STUBBS: This Bill provides for the appointment of a deputy commissioner, in addition to a commissioner. That is all we want to do. We desire that it be an appointment under the Public Service Act, and we are seeking to legitimise what the previous Government has done.

The Hon. A. F. Griffith: No.

The Hon. R. H. C. STUBBS: My note states that the Government wishes only to legitimise the procedure which has been in use for the appointment of at least the last two Town Planning Commissioners. I refer to the late Mr. John Lloyd and Mr. Hepburn. Mr. Lloyd insisted on being appointed under the provisions of the Public Service Act, and the Government agreed to his request.

I agree with Mr. Clive Griffiths that this is the crucial clause in the Bill and, therefore, I ask the Committee not to agree to the amendment.

The Hon. CLIVE GRIFFITHS: What the Minister has said is not correct because this Bill will not simply legitimise what the previous Government has done at all.

The Hon. R. H. C. Stubbs: It will legitimise the procedure.

The Hon. CLIVE GRIFFITHS: It will remove completely from the Town Planning and Development Act the requirement that the Town Planning Commissioner shall be appointed for a period of five years. The appointee would then become a permanent employee under the Public Service Act. That is different from the situation relating to the appointments of Mr. Lloyd and Mr. Hepburn. They were appointed under the provisions of the Town Planning and Development Act, and at their request they were also appointed under the Public Service Act.

Amendment put and a division taken with the following result—

Ayes—12

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. F. R. White
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. Clive Griffiths	Hon. W. R. Withers
Hon. J. Heitman	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry

(Teller)

Noes—10

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. L. A. Logan
Hon. J. Dolan	Hon. R. H. C. Stubbs
Hon. L. D. Elliott	Hon. R. Thompson
Hon. J. L. Hunt	Hon. D. K. Dans

(Teller)

Pair

Aye	No
Hon. N. McNeill	Hon. W. F. Willesee

Amendment thus passed.

The Hon. CLIVE GRIFFITHS: I move an amendment—

Page 2, line 20—Delete the passage "3. (1) Persons" and substitute the passage "(3) A person".

The Hon. R. H. C. STUBBS: I have no objection to these amendments now. They are simply consequential.

Amendment put and passed.

The clause was further amended, on motions by The Hon. Clive Griffiths, as follows—

Page 2, line 20—Delete the word "are" and substitute the word "is".

Page 2, lines 22 and 23—Delete the words "Town Planning Commissioner and" and substitute the word "the".

Page 2, line 24—Delete the word "respectively".

Page 2, line 25—Delete the designation "(2)" and substitute the designation "(4)".

Page 2, line 31—Delete the designation "(3)" and substitute the designation "(5)".

Page 2, line 36—Delete the designation "(4)" and substitute the designation "(6)".

The Hon. I. G. MEDCALF: During the second reading I raised the point that the last subclause of the Bill seemed to be asking us to legalise or validate all the actions which had been performed by the deputy commissioner and which would have been lawful had this measure been the law. I made it clear I was not placing any sinister interpretation on this and I asked the Minister to tell us what acts which had been performed by a person acting as the deputy commissioner required to be validated.

In replying, the Minister said I had placed the wrong interpretation on the subclause and that it related only to matters and not acts. I cannot agree that is so because the clause says, any "act, matter, or thing" for which provision is made in the Act "is hereby validated." Provision is made for a person to perform the duties of the commissioner while he is sick, absent, or otherwise incapacitated.

It seems to me provision is made in the Bill for the deputy commissioner to perform certain acts which are the acts of the commissioner. I was suggesting that

perhaps at some time in the past an officer in the Town Planning Department had been acting as deputy commissioner without authority. I repeat that there was no sinister connotation in my words, and I am not suggesting anyone has been doing the wrong thing.

However, while the commissioner has been sick or absent someone has been acting as deputy commissioner, and it seemed to me we were being asked to legalise what he had done. I simply asked what it was he had done which we were being asked to validate. I am not seriously quarrelling with this subclause and I did not propose any amendments to it.

If the Minister were to tell me that an officer in the Town Planning Department had been acting as deputy commissioner and performing certain acts of a routine nature, I would have accepted his explanation and not taken the matter any further. I simply inquired whether someone was acting as deputy commissioner and whether he had done certain things or signed certain papers as deputy commissioner. If he did, I can see why we are asked to pass this subclause in order to validate those things.

The Hon. R. H. C. STUBBS: I specifically asked for that information to be given to me. Unfortunately, I do not have the information so I cannot answer the question. If the honourable member will leave the matter until later in the sitting, I will see the Minister and obtain the information.

The Hon. L. A. LOGAN: Perhaps I can clear up the matter. When Dr. David Carr was appointed Town Planning Commissioner, he had previously been the Chief Planner. Mr. Collins was then appointed as deputy commissioner. He was not a planner, so a new position was created and he was classified as deputy commissioner although the Act did not make provision for such an appointment. He was designated as deputy commissioner the day the commissioner was appointed, before the measure came into being. Until the measure is proclaimed, the deputy commissioner must take action on behalf of the department when the commissioner is away. Therefore, some of the acts he does at that time could be illegal unless this clause is passed.

The Hon. I. G. MEDCALF: I am perfectly satisfied with that explanation. I thought perhaps an officer had been acting as deputy commissioner. Now that I know this to be the case, and particularly that it was Mr. Collins, I have no further query.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

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

EVAPORITES (LAKE MacLEOD) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th May.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [8.52 p.m.]: I thank all those members who contributed to the debate, whether critically or otherwise. As many queries were raised, for the sake of the record and so that the information is available to members, my reply may be a little lengthy. I hope members will bear with me because of the information I will be able to give the House. The information supplied has enlightened me considerably, and I believe it will enlighten other members.

The first speaker following my second reading speech was Mr. Withers. I have here replies to some of the queries he raised.

Langbeinite is certainly new to Australia, and the plant at Lake MacLeod will be the world's first synthetic langbeinite plant. It will produce a superior grade of langbeinite which at present is extracted by mining on a limited scale in the United States as a naturally-occurring mineral. As far as the State is concerned, langbeinite is a new product.

In the United States it is priced at about the same level as muriate of potash. Markets are being secured for the Western Australian product in Japan, the United States of America, eastern Australia, and New Zealand. Naturally, Western Australian farmers will have an opportunity to purchase this excellent fertiliser.

The Hon. D. J. Wordsworth: At the same price as muriate? It is only 18 per cent. and muriate is about 50 per cent.

The Hon. J. DOLAN: I am giving the answer supplied to me by the department. However, I know one of the officers who assisted in the preparation of the answer. What he does not know about industrial chemistry is not worth knowing.

The Hon. W. R. Withers: It may be very cheap.

The Hon. D. J. Wordsworth: I do not think farmers will be buying it.

The Hon. J. DOLAN: As I have stressed before, the Bill in no way prevents the company producing orthodox forms of potash such as sulphate or muriate of potash. However, I am sure the honourable member would not wish us to force the company to produce a type of

potash the manufacture of which at present may not be economically viable or which would produce so much low-cost by-product salt as to be a permanent embarrassment to other salt producers in Western Australia. However, the company is undertaking chemical research in America, the object of which is to establish the economics of conversion of some of the langbeinite into sulphate of potash, one of the potash types referred to by the honourable member. It would be easy to argue about which is the product and which the co-product of manufacture.

The original brine contains chlorides and sulphates of sodium, potash, magnesium, and calcium in a dissociated form. As a result of evaporation and subsequent separation of salt, about 80 tons of common salt will be deposited for every ton of muriate of potash produced. In the circumstances is not salt a product just as much as the more expensive potash? It would be pointless to see, like Nelson, only that part of the production one wished to see!

We must remember that this Bill deals only with the conditions under which langbeinite will be produced. Langbeinite itself has already been accepted as an alternative to muriate and/or sulphate of potash, in the variation agreement tabled in the House. This Bill places an absolute restriction on salt production by the company for a time, and enforces efficient utilisation of the potassium content of the brine drawn from the lake. The original agreement contained no such restrictions, and if for some reason this Bill does not become law, the company will be able to thank the Opposition for releasing it from these restrictions.

The Hon. A. F. Griffith: I will not go along with that. It is a pretty unfair statement to make in view of the conference you and I attended.

The Hon. J. DOLAN: I would ask—

The Hon. A. F. Griffith: I am afraid you cannot withdraw it, but I am pleased at least that you wish to apologise for it.

The Hon. J. DOLAN: To be honest, had I seen this sentence before I read it, I would not have used it.

The Hon. A. F. Griffith: Thank you. I do not believe you would.

The Hon. J. DOLAN: I do not attribute blame to anyone for this. It is just one of those things that creep in unnoticed.

Lake MacLeod is a remarkable resource of sodium and potassium salts—both common salt and potash. Potash could be made from the bitterns of any of the other salt fields at Port Hedland, Dampier, and Shark Bay. But because production of salt there involves considerably greater development of primary pondage, the additional obligation was originally imposed at Lake MacLeod to produce other evaporites besides salt.

Mr. McNeill also commented on the legislation. He is not here at present, but of course he will be able to read my reply in *Hansard*.

The Hon. V. J. Ferry: Mr. McNeill is indisposed.

The Hon. J. DOLAN: Yes, and he will be able to read the answers in *Hansard*.

Mr. McNeill took the Government to task and said it was absolute rubbish to claim that the precise meaning of "evaporite potassium chloride or evaporite potassium sulphate" is not clear. I have included these words so that no-one will believe I am playing favourites.

First of all it was not necessary to include the word "evaporite" in the definition as an adjective or qualifying word. Any chemist knows exactly what potassium chloride and potassium sulphate are. As the honourable member says, the noun "evaporite" is clearly defined and virtually means almost anything—minerals, chemicals, and elements.

However, what is the meaning of "evaporite" used as an adjective, a qualifying word, in conjunction with potassium sulphate and/or chloride? Here we run into real trouble. If the adjective "evaporite" is taken to mean something produced on Lake MacLeod by evaporation or changes in temperature of lake brines, then it can be stated that it is impossible to produce pure potassium sulphate or potassium chloride commercially by solar evaporation. These substances can only be produced by complex chemical processing in a chemical plant, and it is thus virtually impossible to produce the evaporite potassium chloride, or the evaporite potassium sulphate, although there is no technical problem involved in the production of potassium chloride and potassium sulphate.

It is possible to make these substances, but not only by evaporation or by changes in temperature, and no other means. It is understood that the word "evaporite" was introduced into the definition of potash by company lawyers at the time of the drafting of the original agreement.

Langbeinite is the double salt of potassium sulphate and magnesium sulphate, having the formula $K_2SO_4 2MgSO_4$, the two component salts being in chemical combination. Langbeinite can be made from potassium sulphate and magnesium sulphate only, and can thus be said to contain potassium sulphate.

If the evaporite potassium sulphate cannot be made as described by treatment of lake brines, langbeinite can be made by chemical interaction of salts and brines produced by evaporation on the lake. It

could thus be maintained that "evaporite potassium sulphate" is a generic term rather than a specific single substance.

In any case, the Minister has said—and evidence has been produced to this effect—that langbeinite has roughly the same value, moneywise, as potassium chloride—muriate—at least in the United States, and is now in short supply. The Minister has therefore exercised his power of variation to accept langbeinite as potash for the purpose of the agreement.

It is untrue that there will be no control exercised on salt production after 1975. The control will be indirect. The ratio of potassium to salt in the intake brine is reasonably fixed. Extraction of potassium from the brine has to be efficient in accordance with approved proposals, which indicate about 80 per cent. extraction. Thus the salt to langbeinite ratio will be virtually fixed, provided intake brine analysis remains reasonably constant.

I should remind Mr. Withers that the original agreement envisaged unlimited exploitation of the lake, and once the company built a 200,000-ton-per-year potash plant, the sky was the limit as far as salt was concerned. In the present agreement there is a ratio between brine drawn and langbeinite produced, and indirectly with the by-product—salt—produced.

The Hon. A. F. Griffith: As you know, that point is not conceded.

The Hon. J. DOLAN: I agree there is disputation on that point.

The Hon. A. F. Griffith: The time to have the disputation was when it was drawn up.

The Hon. J. DOLAN: I would like to quote the following letter from the Deputy Managing Director of Texada Mines Pty. Limited, which is addressed to Mr. J. Crosby of the Department of Development and Decentralisation—

> Dear Sir,
>
> This is to advise that we have today been informed during a telephone conversation with our Potash Agents in the United States of America that there has been a significant increase in the demand in the United States for langbeinite (sulpo-mag) and that this increased demand has resulted in a form of rationing by suppliers to enable consumers to have a share of what supplies are available.
>
> We would also mention that we have agreed to ship a minimum of two parcels each of 20,000 tons of langbeinite to the Eastern Coast of the United States. We expect to make these shipments later this year and would advise that warehouse space has already been arranged to cater for the receipt of these shipments.
>
> With regard to langbeinite prices prevailing in the United States we would advise that announcements have recently been made whereby an across the board increase of U.S.$1.50 per ton is to prevail and in this connection we enclose a copy of I.M.C.'s announced price increases which are effective on July 1, 1973.
>
> We also take this opportunity to confirm that in-depth studies are in hand by our consultants relative to the possible production of sulphate of potash through a langbeinite conversion process. The possibility of us being able to produce sulphate of potash will of course depend upon the results of these studies and associated economics of production.
>
> Yours faithfully,
>
> TEXADA MINES PTY. LIMITED.
> D. A. FERRIER,
> Deputy Managing Director.

A price list was included with the letter and it is as follows—

SULPHATE OF POTASH
50% K_2O minimum

Standard	Granular
Bulk per unit	Bulk per unit
July	December
85c	95c
January	June
90c	$1.00

SUL-PO-MAG
22% K_2O, 18% MgO, 22% S per net ton

Standard	Granular
Bulk per net ton	Bulk per net ton
$19.00	$22.00

Sulphate of Potash and SUL-PO-MAG will be shipped in 100 lb. paper bags for an additional $9.00 per net ton.

The prices are in United States dollars.

I refer now to the comments of The Hon. G. W. Berry. The amendments listed by the honourable member from the text of the Bill are correct. It has already been explained in the second reading speech that the purpose of the Bill is to ratify an agreement executed by the State and the company. The Act restricts salt sales until 1975 to specific tonnages and thereafter by indirect control fixes the ratio between salt and langbeinite.

The company will make langbeinite available to consumers in Australia, but because Australian markets have not yet been developed it hopes with Federal approval to export langbeinite overseas—to the east coast of the United States alone at least 40,000 tons later this year.

Prices of langbeinite in the United States, ton for ton, are comparable with those of muriate of potash, which contains more than twice as much potassium. This is partly because the American market has a glut of muriate, and also partly because of the inherent value of langbeinite. The Minister has never claimed that the value was the same as that of sulphate of potash; strangely enough, the price of langbeinite is comparable to that of sulphate per ton unit of K_2O contained, as quoted by International Minerals & Chemical Corporation of the United States of America for July, 1973, delivery as follows—

	Per net Ton
Sulphate of Potash—granular—50% K_2O	US $42.50
Sulpomag (Langbeinite)—22% K_2O	US $22.00

I would interpolate here to say that I can make available copies of these notes to members who are interested so that they may examine them at their leisure. If they so desire they may take up the matter with the Minister by way of correspondence.

It is clear that the transport of langbeinite to overseas markets will incur substantial ocean freight. There is every possibility that Western Australian langbeinite will be able to compete with Canadian or Israeli muriate of potash at, say, Bunbury; but until coastal freights and Western Australian markets are established it would be pointless to make a comparison. The State will have a $20,000,000 potash and salt industry established on a viable basis at Lake MacLeod, which will provide employment for many people there and at Carnarvon.

I also have some comments in reply to the remarks of Mr. Arthur Griffith. I will make a copy available to him. I do not think he would want to hear these comments again as he has heard so much about the matter during the last few days.

With regard to the remarks made by Mr. Dellar, members opposite have tried to establish that potash, and nothing but potash, was the objective in establishing the industry at Lake MacLeod. I have heard the previous Minister for Industrial Development make that statement about the agreement in the original stage, and I accept it.

Yet the Act itself is called an "evaporites" Act, and the preamble of the agreement mentions "mining of potash and other evaporites and such other allied mining and ancillary industries as may be approved by the Minister".

"Common salt", defined in the agreement as the evaporite sodium chloride, is mentioned in the agreement no less than 25 times in regard to matters dealing with production and shipment, royalties payable, and export licenses for common salt. Some of these instances have been quoted by Mr. Dellar. The frequent reference to "common salt" makes it clear that from the beginning it has been clearly understood by the company and the then Government that potash and salt would be produced simultaneously. What was not understood was the enormous tonnage of salt which would be produced as a by-product if the company was rigorously required to produce 200,000 tons of muriate of potash a year.

The Hon. A. F. Griffith: I cannot concede that last point. Everybody knew there would be salt as a by-product of the production of potash.

The Hon. J. DOLAN: That is right.

The Hon. A. F. Griffith: You said it was not appreciated.

The Hon. J. DOLAN: I said that what was not understood was the enormous tonnage of salt which would be produced.

The Hon. A. F. Griffith: I assure you it was understood.

The Hon. J. DOLAN: Perhaps it was understood by some people; my comment was a general one. The process of producing muriate of potash from brines usually consists of several stages. Firstly, lake brine would be evaporated to deposit nearly all of its content of common salt. This would be of the order of 80 times the tonnage of muriate of potash ultimately produced. The residual brine or bittern is then evaporated, and mixed salt known as carnallite—potassium magnesium chloride, or $KCl.MgCl_2.6H_2O$—is ultimately deposited in special evaporating ponds known as carnallite ponds which would have thick floors of common salt.

Evaporation in such ponds at Lake MacLeod would be quite slow even in summer and an occasional cyclone would be a serious set-back to the progress of evaporation. Enormous areas would probably be required. Ability to produce carnallite —which in pure form contains only 14 per cent. potassium, and as harvested considerably less—would be by no means certain. Residual brine, mainly of magnesium chloride, would be sold at low prices or discarded.

The carnallite must then be treated in a plant and decomposed into an impure form of potassium chloride, and magnesium chloride brine which is recycled to the carnallite pond system, and finally dealt with as above.

The impure potassium chloride can be further purified in the plant by several methods not involving "evaporite" processing, and ultimately a reasonably pure product containing 48 to 51 per cent. potassium can be produced.

The process thus relies on a relatively slow evaporation of dense brines in summer to produce carnallite—a risky operation—and processing of the carnallite in a plant to recover muriate of potash. A recovery of only some 40 per cent. of the potassium content of the original brine can be expected in this process. This leads to an output of some 80 tons of co-product salt for every ton of muriate of potash; that is 15,900,000 tons of salt for 200,000 tons of potash. This is the frightening spectre this Bill seeks to avoid.

Langbeinite is produced by a different, and confidential process now being patented. It relies on the sulphate content of Lake MacLeod brines, and as I indicated previously, research is under way in the U.S.A. to study economic viability of a process to convert part of it into sulphate of potash. Whereas langbeinite and muriate are sold in the U.S.A. at about the same price per ton, sulphate of potash is considerably more valuable.

As indicated in the second reading speech, recovery of potassium as langbeinite is about twice as efficient as recovery in the muriate form—co-product salt resulting from production of 200,000 tons of langbeinite is estimated at about 2,500,000 tons. This is a much more manageable quantity as regards marketing.

Finally, there is the question of efficacy of langbeinite, muriate, and sulphate of potash. Muriate is generally regarded as the cheapest and most potent potash fertiliser. It is understood that it can be suitable where chloride content of the soil is already too high or for certain sensitive crops. Sulphate of potash is preferable in these circumstances, and should be used where there is a sulphur deficiency in the soil. Langbeinite contains potassium, magnesium, and sulphate, and can supply all of these substances where the soils are deficient in them. It is regarded as a more gentle and slower acting fertiliser than muriate and its price is comparable with that of muriate of potash despite its lower content of potassium.

Some conferences in regard to the Bill were held on the 21st May last, and there were also some further conferences held today between the officers of the Crown Law Department and the Department of Development and Decentralisation. Before those conferences were held I received advice from the Senior Assistant Crown Solicitor, and I think I should quote what was orginally referred to me. This advice reads as follows—

(1) I refer to a discussion today between the Hon. A. F. Griffith and yourself which was also attended by Mr. J. V. Crosby of the Department of Development and Decentralisation and the writer on behalf of Crown Law Department.

(2) During the discussion the Hon. A. F. Griffith indicated his desire to sight legal advice from Crown Law Department on the implications of his proposed amendment.

(3) The implications of the proposed amendment have been discussed by the writer with the Solicitor General and the legal position is confirmed as follows:

(a) If Parliament does not ratify unconditionally the second variation agreement dated 15th November, 1972 (referred to in the Second Schedule to the Evaporites (Lake MacLeod) Agreement Act Amendment Bill 1973) prior to the 31st day of December, 1973, then that agreement pursuant to Clause 2(2) ceases and determines and the Company is released from any of its obligations thereunder.

(b) The effect of the Company being released from its obligations under the second variation agreement is that it would no longer be obliged to comply with the provisions of Clause 4(4) which limit sales of common salt for delivery to Japan to 1,750,000 tons during each of the years ending 31st March, 1973, 1974 and 1975 and which require the Company to ensure that the potassium content of the brine and evaporites produced is fully utilised in the production of langbeinite in accordance with its approved proposals.

(c) The original Agreement contained no prohibition against the Company exporting salt. Mineral lease No. 245 SA granted to the Company on the 13th August, 1969, pursuant to the original Agreement contained the following condition:

"3. The export of salt by the Company during each of the years 1969, 1970 and 1971, or from the date of these presents until the Company has fulfilled its obligations under clause 9(1)(a) of the said Agreement to construct plant and other necessary works capable of producing and loading

into ships at the wharf not less than 75,000 tons of potash per annum shall not be at a rate exceeding one million tons or such annual rate as is approved from time to time by the Minister (as defined in the said Agreement)."

One effect of the first variation agreement dated 14th November, 1972, is to include "langbeinite" in the definition of "potash" and in this context the limitations on the export of salt referred to in Condition 3 of the Mineral Lease would only be operative until the Company had completed the langbeinite plant in accordance with its obligations under Clause 9 (1) (a) as amended by the first variation agreement.

(4) Having regard to the position as outlined in paragraph (3) above if the State desires to control the export of salt by the Company to the Japanese market during the years ending 31st March, 1974 and 1975 and limit the Company's production of salt by means of an obligation on the company requiring it to fully utilise the potassium content of the brine in the production of langbeinite, it would be necessary to allow the second variation agreement to be ratified unconditionally.

ERIC FREEMAN,
Senior Assistant Crown Solicitor,
21st May, 1973.

Finally, I quote a memorandum from the Minister for Development and Decentralisation to Sir Charles Court, the Leader of the Opposition in another place, as follows—

I refer to discussions regarding the effect of clause 4 (4) of the variation agreement dated 15th November, 1972.

I confirm that the position is as follows:—

(1) Under its currently approved proposals the Company may not produce more than approximately 14 tons of crude salt (about 12½ tons washed) for every ton of langbeinite produced from lake brines and evaporites made from those brines with a minimum installed langbeinite capacity of 200,000 tons per annum.

(2) In the event of the Company desiring to vary the situation referred to in paragraph 1 it would be necessary to submit to the State additional proposals in accordance with the provisions of the new clause 6A. Such proposals would be subject to the usual proposal procedures set out in clauses 5 and 6 of the principal agreement.

(3) The quarterly reporting requirements of the new paragraph (j) are designed to ensure that the Minister is fully informed concerning the mining and utilisation of the brines in connection with the Company's operations and would enable the Minister to determine more readily whether the Company was in breach of its obligations under the new paragraph (i).

(4) The new paragraph (k) also restricts the Company in the production of salt insofar as it limits its right to sell salt to Japan to 1.75 million tons per year until 31st March, 1975.

Yours faithfully,
H. E. Graham
Minister for Development and Decentralisation
24th May, 1973.

I regret that I had to take so long to explain the position. However, it is a valuable exercise for the record.

This is the first agreement I have handled in my experience in Parliament. When in Opposition a member does not have the opportunity to handle agreements, and when I was sitting opposite these agreements were left in the debate to the more capable hands of Mr. Willesee, and prior to that Mr. Wise. As I have said this is the first that I have handled, and it has been a worth-while experience.

I realise that negotiations to arrive at agreements are fraught with difficulties. I can appreciate the effort that has been put into these agreements by Mr. Griffith, Sir Charles Court, and the present Minister for Development and Decentralisation (Mr. Graham). In any event they still had to rely on the expert advice of their departmental officers.

Before I conclude I would like to pay a tribute to those officers for the excellent work they did, over and beyond the call of duty. I think their work was most commendable, and the advice which they gave could always be relied on. Irrespective of the Government in office, I think all Ministers concerned with these agreements who have used the services of these officers over the years have the same feelings as I have.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3A added—

The Hon. A. F. GRIFFITH: The officers of the department have gone to a great deal of trouble to supply the Minister with much of the information relating to speeches which were made by various members in the second reading debate. I am grateful to Mr. Dolan for the trouble he took. Quite apart from being completely lost in the maze of technical detail which I shall not go into—

The Hon. J. Dolan: I could not have done that without the written notes.

The Hon. A. F. GRIFFITH: Were it not for the Minister's ablity to read out the material clearly we might be confused. He had to rely on his notes, but I am sure that his knowledge of the technical details is as good as mine!

I cannot agree to some of the statements which have been made tonight. In saying that I would point out that I am not in a position to argue over them, because I do not have a copy of the notes from which the Minister read. Even if I did have a copy I do not think that at this late hour I would be able to examine them and make a useful contribution.

I was pleased to hear the Minister giving a reply and endeavouring to withdraw a very unkind comment that appeared in the speech notes to the effect that the blame would lie on the head of the Opposition if the Bill were defeated. I do not know who wrote that.

The Hon. J. Dolan: If I did I would not disclose his name.

The Hon. A. F. GRIFFITH: Let us not worry about who wrote that. Whoever he is he ought to be roasted, well and truly, because as Mr. Dolan knows both Sir Charles Court and myself have spent a good deal of the working hours and the evenings of the last two days in trying to arrive at a satisfactory conclusion so as to assist the Government.

Whether the person who prepared those notes be a member of Parliament or a departmental officer, the fact remains that it was unbecoming of him to make an untruthful statement like that. I appreciate the Minister was quick to realise what the notes contained, and that was his reason for withdrawing the comment. He noted that it was based on an untruth.

There was never any intention on the part of the Opposition to defeat the Bill. However, there was, and there still is, a very sincere desire on the part of the Opposition to be of assistance to the Government to help it to get out of the position which it has got into through lack of experience and lack of negotiating ability.

The Hon. R. F. Claughton: That is only a matter of your opinion.

The Hon. A. F. GRIFFITH: I do not think the honourable member knows anything about this matter at all. He was not here when the negotiations started, and he does not know. If the honourable member will remain quiet it might give me the opportunity to make a few remarks, which will be relatively brief unless he interrupts. If he does I shall have to answer his remarks.

There was never any doubt in the mind of the Government of the day that this project—to use the words of Mr. Dellar—would give to the town of Carnarvon a potash industry which would supply the potash requirements of Western Australia and Australia. Now it is said—and there is legal advice to the effect—there is doubt about the term "potash" appearing in the definitions in the original agreement written in 1967.

What the Minister's notes did not contain is a statement to the effect that at the least there is a legal doubt. I concede if there is a legal doubt the time to test it was when it first arose, in an endeavour to sort out the position. However, the problem was not approached in that way at all. After the change of Government in 1971 the company wrote to the new Government a letter which I was privileged to see this afternoon.

A reply came from the new Minister for Development and Decentralisation conceding the proposals submitted by the company. So there was no challenge of the interpretation of "potash", but there was recognition by the Government that the definition included langbeinite and therefore the company was free to embark upon its new process. The Government then entered into an agreement under the variation clause of the principal agreement, and that variation agreement, dated the 14th November, 1972, contained in legal form what was understood to be the situation in the correspondence between the Government and the company. We did not see that correspondence until the agreement was produced and reference was made to it and then it was placed on the Table of the House.

My aim was to enable the Government to call the company back subsequently before the 31st March, 1975 with the intention of renegotiating the agreement in the interests of the State—and I emphasise the words "in the interests of the State".

I was told verbally by a Crown Law officer in our first conference—and what he said was confirmed by the Solicitor-General—that my amendment would have the effect of invalidating the agreement, and it was at that stage that I asked whether I could be given a Crown Law minute to this effect, so that we could have it for the record. Despite what has been said I had no intention of doing anything to endanger the State or the agreement. The contents of the minute were read by the Minister a few moments ago.

Today another conference was held with the same two officers and this was attended by Sir Charles Court, the Minister and his legal advisers, and me. We discussed how we could rectify what we considered to be a weakness. However, the officers of the department were satisfied that the in-built references in the agreement were sufficient to hold the company in relation to the production of langbeinite as related to the resultant production of salt.

The real purpose of the Minister in reading the minute dated the 24th May, 1973, and signed by the Minister for Development and Decentralisation, was to place on record—and I am glad he read it—that the Government was satisfied that it was in the strongest position possible in relation to its negotiations with the company. That is where I am obliged to leave the matter because I have no desire whatever now—nor did I have such an intention when I placed the amendment on the notice paper—to do the agreement or the State any damage. On the contrary, in case this needs emphasising, I will repeat that I placed the amendment on the notice paper with the good intention of assisting the Government.

Now the Government is satisfied that the situation is covered, although I do not know the present view of those who addressed themselves to the debate on the second reading.

What is crystal clear to me is that Carnarvon will not get the industry it anticipated in the first place; and, furthermore, Western Australia and Australia will not have the benefit of a product which the agricultural industry in the country urgently needs; that is, potash. Instead, Western Australia will gain whatever benefit accrues—and this has yet to be assessed—from the export of langbeinite to Japan, the U.S.A., or New Zealand. The income derived from that product is the only benefit that Western Australia can expect.

So we are entitled to be disappointed. Obviously if any doubt existed about the interpretation in the agreement, the time to have the matter clarified was when the agreement was first being discussed rather than our now having to admit that what the company contends is correct.

For the reason I have given I do not propose to move the amendment I have on the notice paper. I hope that the minute the Minister for Development and Decentralisation has provided gives the Government all the protection it anticipates in relation to the completion of the agreement. I must leave the matter on that basis. The result has been disappointing, but apparently little more can be done.

The Hon. J. DOLAN: I appreciate what the Leader of the Opposition has said, and I say to members of this Committee, and to the public of Western Australia that irrespective of which Government is in office, when it enters into an agreement it has one thought in mind and that is to do everything possible for the good of the State. That is the only thing which motivated this Government. Without conceding the point I would say the same about any Government of this State.

We feel, as a Government, that we are well protected. Disappointment has been expressed but there are always two sides to every case. I hope that what the Government has in mind will eventuate, and good will come from this agreement entered into by the State.

Clause put and passed.

Clauses 4 and 5 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. J. Dolan (Leader of the House), and passed.

QUESTIONS (7): ON NOTICE

1. MEAT

Lamb Prices

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

(1) Has the Minister studied the official report of market and yardings of fat stock in March, 1973 as published by the Australian Meat Board in the "Meat Producer and Exporter"?

(2) Has he noted that light weight lamb is quoted as low as 17 cents per pound in Western Australia, and that this price is at least 2½ cents per pound below any other interstate market during April?

(3) Has he noted that there was no class of wether or ewe sold at Midland during April quoted as low as 17 cents per pound?

(4) Has the Western Australian Lamb Marketing Board now ordered country abattoirs to reduce their kill by half or pay the penalty of forwarding their supplies to Perth?

(5) Is this action being taken in an effort to get more lamb for city supplies and kill for Government abattoirs and their employees?

(6) Does the Minister consider that the price paid by the Board has had detrimental effect on the number of lambs placed on the market since December?

(7) Have farmers and their organisations indicated that the price policy of the Board is in accord with their aspirations when such farmers voted for the formation of a statutory board?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Yes. The reference to lightweight lambs at 17 cents refers only to the lowest price of main grades, the trade "White L", which has accounted for only 10% of the total kill. The Board's price for first and second quality lightweight lambs was 26 cents. The lambs shown in the report in the Perth sales are the only graded lambs in Australia and fair comparisons cannot be drawn where less accurate information is used.

(3) The April figures from the Meat Board are not on hand but the Lamb Marketing Board Schedule was not as low as 17 cents either.

(4) The Lamb Marketing Board has not ordered country abattoirs to reduce their kill. The Board has curtailed the dispensation given to some country abattoirs whereby these abattoirs have been able to slaughter unlimited numbers and acquire the total kill from the Board.

(5) The Board's action has been taken to alleviate the overall lamb supply position.

(6) No.

(7) Yes.

2. EAST VICTORIA PARK SCHOOL

Site

The Hon. R. J. L. Williams for The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) Is the Government still considering the use of the land on the corner of Mint Street and Beatty Avenue in East Victoria Park as an alternative site for the East Victoria Park Primary School?

(2) Has the Government considered the use of any other sites as an alternative site for this school?

(3) If the answer to (2) is "Yes" which are the alternative sites considered?

The Hon. J. DOLAN replied:

(1) No.

(2) Yes.

(3) Site in Kate Street.

3. EDUCATION

Boarding Allowances: Commonwealth Payments

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Has the Minister heeded my advice by requesting the Commonwealth Government to use the news media in order to notify parents of the requirements set by the Commonwealth Government to obtain the living-away-from-home allowances for isolated children?

(2) If not, what action has been taken to determine why only a small percentage of applications have been returned by parents?

(3) Does the Minister realise that some children may be turned away from the Hedland Hostel and sent home at the beginning of this term if the parents have not received the application forms and they are unable to find the finance without the payment of the allowance?

(4) Is the Minister aware that the Chairman of the Hedland High School Hostel doubts if 50% of parents have received the application forms from the Commonwealth without first initiating the request to the Commonwealth?

(5) In view of the amount required by a parent of two boarding children to meet the requirements of the Hedland Hostel, namely a term payment of $510 by the 29th May, 1973, has the Government made arrangements for the children to be accepted at the hostel until the Commonwealth allowances are paid to the parents?

(6) If the children are denied entry to the hostel because of the non-payment of the Commonwealth allowances, and in view of the late advice of the cancellation of the State Allowances, will the Government meet the extra costs of fares of up to $75 per child involved in returning the child to his or her remote area home until the Commonwealth pays the allowance?

The Hon. J. DOLAN replied:

(1) Full publicity to the Commonwealth scheme was given by large block advertisements which appeared in *The West Australian* and the larger country newspapers at the end of March, 1973.

(2) No action has been taken to determine why all applications have not been returned since there is nothing unusual in this. Many parents only make annual claims rather than for each term and wait until the end of the year before applying for the allowance.

(3) (5) and (6) The Education Department has received no information on this matter which is largely the concern of the local hostel and parents. If the Hon. Member would furnish more details giving the students' names, further inquiries will be made.

(4) Application forms were sent by the Commonwealth Department of Education to all parents who had made previous application to the State Education Department. If any parent did not receive an application form it could have been because he had made no previous application to the State authorities.

4. LOCAL GOVERNMENT

Sun City: Terminology

The Hon. L. A. LOGAN, to the Leader of the House:

Further to my question number 19 of the 22nd May, 1973, regarding Yanchep Sun City and the answer thereto, can the Minister advise what criteria are the public, visitors, Eastern States and overseas people expected to use to differentiate between Yanchep Sun City as a city, and Yanchep Sun City as a purely descriptive name?

The Hon. J. DOLAN replied:

Whilst standards of judgment are unenforceable it is suggested that the following, to name but a few, are suitable distinguishing characteristics. Yanchep Sun City has no local governing body, few community facilities, no hospitals, schools, etc., no public transport systems and a tiny population.

5. EAST VICTORIA PARK SCHOOL

Site

The Hon. R. J. L. Williams for The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) Has the Government given any consideration to the idea of using the Kate Street Park in East Victoria Park as an alternative site for the East Victoria Park Primary School?

(2) If the answer to (1) is "Yes" would the Minister give complete details of the extent to which this consideration has advanced?

(3) Would such a proposal, if adopted, require the resumption of any homes in the vicinity of the park?

(4) Have any home owners in the vicinity of the park been approached by the Government in regard to the possible resumption or purchase of their homes?

(5) If the answer to (4) is "Yes" how many home owners have been approached, and what was their general reaction?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Proposal has been abandoned.

(3) Resumption has never been contemplated.

(4) A number of home owners were approached to see if they were interested in selling their properties.

(5) Nine owners were approached to sell. Five were not interested in selling.

6. HARBOUR FACILITIES

Two Rocks

The Hon. L. A. LOGAN, to the Leader of the House:

Further to my question number 18 of Tuesday, 22nd May, 1973 regarding Two Rocks—

(1) How does he reconcile the answer thereto, that extensive on-site testing was carried out by the expert companies mentioned in the answer, to the fact that serious siltation has already occurred affecting the anchorage of the licensed fishermen and the BP jetty at Two Rocks within a period of less than six months?

(2) As serious siltation has already occurred, will the Government take immediate action to ensure that the conditions of the Agreement as laid down in Clause 3 headed Natural Mooring Basin shown on page 9 of the final draft dated 7th November, 1972 of Heads of Agreement for the development, construction, maintenance and operation of a yacht harbour at Two Rocks Yanchep, and repeated in Clause 5, page 11 of the State Draft number 1, dated 22nd December, 1972, are complied

with forthwith and which would be in accordance with the answer given to part 3 of my question number 16 of Tuesday, 22nd May, 1973?

The Hon. J. DOLAN replied:

(1) There have been reports of siltation and steps are being taken to investigate the matter.

(2) Future action by the State under the terms of the Heads of Agreement will be dependent upon the outcome of the investigation.

7. EDUCATION

Jerdacuttup School

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

(1) How many children attend the Jerdacuttup school at present?

(2) What is the expected rise in numbers over the next five years?

(3) When is it intended to build a permanent school in this district?

(4) What are the present arrangements concerning—

(a) number of teachers;

(b) classrooms; and

(c) library and other facilities?

The Hon. J. DOLAN replied:

(1) 39 (as at February this year).

(2) The numbers are expected to stabilise at slightly in excess of 40.

(3) Plans are scheduled for the 1973-74 financial year but no indications concerning construction can be given until the full extent of the Loan Funds programme becomes known later this year.

(4) (a) Two teachers.

(b) Two demountable classrooms.

(c) As with most other two teacher schools, these are contained within the classrooms.

QUESTIONS (2): WITHOUT NOTICE

1. EAST VICTORIA PARK SCHOOL

Site

The Hon. R. J. L. Williams for The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) How many applications were received by the closing date of the 6th October, 1972, to the Public Works Department's Australia-wide advertisements inviting applications for the sale and/or exchange of the East Victoria Park School site?

(2) Who were the applicants?

(3) Did any of the applicants conform with all the five criteria specified in the advertisement, including the provision of an alternative school site and Perth City Council approval?

(4) If the answer to number (3) is "Yes", who were the applicants?

(5) How many applicants had expressed a firm and final interest by the 28th February, 1973, and who were they?

(6) Did the Government offer the school site to an applicant, and if so, which applicant was it and what were the terms and conditions upon which it was offered?

(7) If the answer to number (6) is "Yes", and the offeree had proceeded with the purchase of the school site, where was the school to be relocated?

(8) Did an unsuccessful applicant seek the opportunity to purchase the school site on the same terms and conditions as the successful applicant in the event that the successful applicant did not proceed, and if so who was this unsuccessful applicant?

(9) Has the successful applicant advised the Public Works Department that it does not intend to proceed?

(10) If the answer to number (9) is "Yes" will the school site now be offered to the remaining interested party on the same terms and conditions?

(11) If the answer to number (10) is "No" what are the reasons therefor?

(12) Will the Public Works Department negotiate with the remaining interested party for the sale of the school on terms which are acceptable to the Government?

(13) If the answer to number (12) is "No" what is the reason?

The Hon. J. DOLAN replied:

(1) Eight written submissions were received. In addition another firm indicated by telephone that it was very interested in the proposition but had only just become aware of it. In the circumstances it asked for its interest to be recorded, pending submission of further details.

(2) Woolworths (W.A.) Limited, Merifield Holdings Pty. Ltd., Silver, Goldberg and Associates, Leighton Contractors Pty. Ltd., Hanover Holdings Ltd.,

Mair and Company Pty. Ltd.,
Pivot Securities,
Hodd Wilkins Pty. Ltd.,
Wilson International.

(3) Yes.

(4) Pivot Securities.

(5) Two, Pivot Securities and Wilson International.

(6) No.

(7) Answered by (6).

(8) On the 2nd May, 1973, Pivot Securities submitted a proposal based on the premise that Wilson International, which had offered the highest price, would not proceed if the Government accepted its proposal.

(9) There is no successful applicant.

(10) and (11) See answer to (9).

(12) No.

(13) The school site will not be made available to any of the applicants because it has been established that the cost of school redevelopment is higher than any price offered.

2. EDUCATION

Boarding Allowances: Tabling of Correspondence

The Hon. W. R. WITHERS, to the Leader of the House:

In view of the answer given to question 3 relating to boarding-away-from-home allowances on the Council notice paper dated the 23rd May, 1973, will the Minister permit me to copy and make public any of the information in the relevant files?

The Hon. J. DOLAN replied:

As it could well be that the files concerned contain personal details such as income levels, family status and the like, it would not be desirable nor indeed ethical to make the full contents public. It would be more appropriate if the honourable member, after perusing the files, could decide in consultation with the officers of the department what matters could be properly considered for public release.

EDUCATION

Boarding Allowances: Urgency Motion

THE HON. W. R. WITHERS (North) [9.55 p.m.]: I thank the Minister for the answer to my question. However, I feel that some limitation may be placed upon me by the officers of the department. In view of this, I have already handed to the President written reasons for moving an urgency motion.

THE PRESIDENT (The Hon. L. C. Diver) [9.56 p.m.]: I have received a written request from Mr. Withers. It reads as follows—

Dear Mr. President,

It is my intention to move an urgency motion if the Leader of the House defers the answer to my question without notice or does not agree to the public use of information obtained from the files pertaining to this subject.

Reason.

I suspect the State Government was not meant to cancel the State Allowances which should be paid supplementary to the Commonwealth allowances. The State cancellation has caused hardship and confusion.

Some children may be denied access to the Hedland High School Hostel next Monday because of the ineptitude of the responsible planners. Further evidence to support this view was received in a letter from the Hedland Hostel Chairman yesterday.

In view of the recess following the rising of the House, it is imperative that an urgency motion be put in an effort to have this situation made public.

The Minister has made reference to Commonwealth papers which, he has said, clarified the situation for the cancellation of the State Allowances (page 1600 in *Hansard* No. 8—Thursday, 10th May, 1973). I seek to have this information made public.

I considered the answer to my question No. 3 on the notice paper of 23rd May, 1973, to be unsatisfactory and I sought to have the documents made public under Standing Order 149. (The Minister has not declared the documents to be confidential.)

Yours sincerely,
BILL WITHERS, M.L.C.

Members will recall that earlier in the day—under the circumstances that the House will rise tonight—they agreed that the honourable member could move his motion, and if it meets with the consent of the Legislative Council, he can proceed.

The honourable member's motion will require the support of four members standing in their places.

Four members having risen in their places,

THE HON. W. R. WITHERS (North) [9.58 p.m.]: I move—

That the house at its rising adjourn until Monday, the 28th May, 1973, at 12 noon.

In speaking to this motion, I do not apologise to the House even though it is late. I emphasise that this is a most serious matter.

In the last few days—in fact, in the last 48 hours—I have received some information which has made me suspect that the State Government has denied boarding allowances which should be paid to the parents of children living in isolated areas. It is quite obvious that the Minister and his officers—and I refer to the Minister for Education and his officers—are not aware of the situation. This was made evident in the answers given to questions which were on the notice paper. I would like to point out that the Minister and his officers have not heeded my advice to use the media—the radio and the Press—to publicise the fact that application forms were available.

The Minister has mentioned that advertisements appeared in the newspaper in March; but I would like to refer to a statement made by the Hedland High School Hostel.

The Hon. D. K. Dans: Did you hear the 2.00 p.m. news today?

The Hon. W. R. WITHERS: I will come to that. The following is to be found in the statement of the Hedland High School Hostel authority—

> It was April, 1973, before the Hostel Committee was informed that the Assistance would be paid monthly to parents on application.

The Minister said people should know what was in the newspapers, and therefore they would know about the application forms. I would suggest that the Minister for Education and his officers should be aware of that statement, because it was also a Press release. I find that the Chairman of the Hedland High School Hostel agrees with me, and I quote from his letter dated the 19th May, 1973, as follows—

> It is a fact that not all parents received the application forms for the Assistance to Isolated Children. Mr Beazley and Mr Dolan are quite wrong in this, I doubt if 50% of parents of our students received them without writing and requesting them.

I must apologise for the writer; he referred to Mr. Dolan. This is because—

The Hon. J. Dolan: Because he does not know the difference, I suppose.

The Hon. W. R. WITHERS: —he has seen Mr. Dolan's name in *Hansard*. I will ignore the statement of the Leader of the House; I was apologising for the writer and I think the Minister's statement was uncalled for.

Mr. Dans referred to a news release on the A.B.C. today at 2.00 p.m. This concerned a statement that the Federal Minister for Education (Mr. Beazley) had denigrated me in the House of Representatives in Canberra today. I have the report of the words he spoke in reply to a question asked by Mr. Peter Drummond, the member for Forrest, in the House of Representatives today. He asked two questions concerning the boarding-away-from-home allowance applications, and he wanted to know whether or not the Minister had received any representations from any persons, and what were the details. He also questioned Mr. Beazley on the reality of the means test. I was quite startled to hear the replies given by Mr. Beazley—a so-called responsible Minister of this country.

The PRESIDENT: Order!

The Hon. J. Dolan: So he is.

The Hon. D. K. Dans: You are not saying he isn't?

The Hon. W. R. WITHERS: I am not saying he is not; I said he is a so-called responsible Minister.

The PRESIDENT: You are reflecting on the honourable Minister.

The Hon. W. R. WITHERS: I have been told that I cannot make any charge against the Federal Minister for the way he denigrated me. I will quote the words Mr. Beazley supposedly used today in Canberra on the floor of the House of Representatives.

The Hon. J. Dolan: Would you give the question that Mr. Drummond asked so that we may establish the relevancy of the reply?

The Hon. W. R. WITHERS: As I obtained this information by telephone I cannot give the exact question because I was more interested in the answer. However, the question was roughly this: Mr. Drummond asked Mr. Beazley if he had received any representations concerning boarding-away-from-home allowances for isolated children, and Mr. Beazley replied as follows—

> I have not had many representations on this issue at all. I have had representations from a gentleman named Withers in the State Parliament of Western Australia and the nature of the campaign he is waging on this issue I believe has so misrepresented the means test, that it is discouraging people from applying for allowances.
>
> The rate of application from W.A. is astonishingly low.
>
> Some thousands of application forms have been sent out but probably only about one-third have come back.
>
> Over 700 have received the minimum isolated children's grant of $350 plus the living allowance.

That was the Federal Minister's reply to the question asked by Mr. Drummond. I consider that to be a denigration of my character. In fact, I can prove those words are untrue. I would say the Minister has been completely misinformed.

The Hon. G. C. MacKinnon: When you refer to "the Minister" you are referring to Mr. Beazley?

The Hon. W. R. WITHERS: That is correct. I quote from *Hansard* of the 15th May, 1973, when I was speaking in reply to the motion I moved regarding this subject. After an interjection I continued my speech and said—

> I was going to ask the Government to find out why these people have not received application forms, and if possible, it should use the radio and the Press to inform people entitled to claim for boarding allowances to contact the department if they have not received an application form. I also suggest the Government should step in and offer to tide the various hostels over until the issue has been determined. The Government should ask the hostels to accept all the children from remote areas until the mix-up is sorted out. It should also confer with the Federal Minister in an endeavour to solve the problem in regard to bursaries. The whole situation is such a mess that it is almost unbelievable.

The situation is even more unbelievable when we hear on the national news that I have been denigrated in this way. My statements recorded in *Hansard* prove that the Federal Minister is wrong.

Mr. Beazley then went on to agree with some of the remarks I have made but, of course, he did not admit that he was agreeing with me. I continue to quote the answer he gave today as follows—

> I agree there is a problem in this area and I am having examined the question of zone allowances to see whether the means test which we have simply adopted from our predecessors is realistic or not.

He agrees that there is a problem, but then he goes on to mention a means test which was simply adopted from the predecessors of the present Federal Government. That shows how much he knows about the subject, because his predecessors had no means test. There was no Federal allowance to which to apply a means test, and there was no means test on the State allowances. So what the devil was the Federal Minister talking about? This shows that he is completely misinformed.

Recently we debated a motion in this House which called for a reinstatement of the State allowances and we were told by the Leader of the House—I refer to page 1600 of the current *Hansard*—who probably was reading a speech given to him by the officers of the Education Department that—

> While it is true that initially I expressed some doubt as to the effect of supplementary State payments on eligibility to receive Commonwealth grants, this point has been cleared up in the more detailed information since received from the Commonwealth Government.

Now, I assumed from that that the matter had been cleared up, and that statement made me wonder what the State Government was doing. It made me think that possibly the State Government was not really meant to cancel the State allowances because I cannot imagine officers of any department creating a system I explained previously in this House where bursary students can receive $100 less than their classmates simply because they have won a bursary and there has been a foul-up between Federal and State departments.

This is the greatest indictment against centralism I have ever seen. It means that those who are closest to the people concerned are being ignored. Members of the State and Federal Parliaments are being ignored on the floor of the Parliaments in respect of this matter of co-operation between State and Federal departments. This was proved in a question I asked last Thursday when I asked whether the Education Department could supply, through the Minister, the number of children who had qualified for parts 2 and 3 of the boarding-away-from-home allowance for isolated children. This allowance is subject to a means test, and I wanted to find out if anybody had qualified.

I do not believe that anybody from my area could qualify. The answer of the Minister was most unsatisfactory but I can appreciate his position. He said he was advised that the State department did not have this information available and that I would have to get it from the Federal department.

That night I sent a telegram to the Federal Minister for Education requesting information. The following morning at 9.10 a.m. I rang the department, and I was advised that the department would ring me back later. When the officer of the department rang later he said I would have to get the information from the Federal Minister.

I then rang the Federal Minister at the Commonwealth Government offices in St. George's Terrace. The Minister's secretary advised me that I would have to ring Canberra, but I said I refused to do that because the last time I did ring to seek information on the subject it cost me $16. That is another case against centralism.

The Hon. D. K. Dans: How long was the call?

The Hon. W. R. WITHERS: That was a person-to-person call lasting 21 minutes.

The Hon. D. K. Dans: Did you pay the whole lot?

The Hon. W. R. WITHERS: I paid 25 per cent. of it. Initially I paid the $16, but I claimed three-quarters of the amount back. However, that is only a trivial matter, but it is another case against centralism.

The Minister's secretary eventually contacted me on the afternoon of that day and said he would endeavour to get the information for me. I asked him whether it would be available by Monday. He said he doubted that but he would try.

Today I received a telegram dated the 23rd May. This was sent at 7.42 p.m. last night. It is from Mr. Beazley, the Federal Minister for Education and reads as follows—

> Refer your telegram of 17 May requesting information on number of (a) self employed (b) wage earners from Pilbara and Kimberley receiving basic and additional boarding allowances under isolated childrens schemes stop Not possible with basic allowance to identify separate employment groups as requested stop Department has no knowledge of occupation unless parent has applied for additional allowance stop Unable to provide additional allowance figures at this stage because of time consuming nature of task and pressure on my department to arrange prompt payment of allowances eligible applicants stop... Kim Beazley Minister for Education

This indicates that last night the Federal department was still paying out the allowances. It was so busy that it could not get the information for me.

The Hon. J. Dolan: That department is very busy.

The Hon. W. R. WITHERS: No wonder, because everything has been left until so late. I am quite sure the Commonwealth Government did not expect the State Government to cancel the State allowances.

The Hon. J. Dolan: Of course it did.

The Hon. W. R. WITHERS: Is the Minister sure?

The Hon. J. Dolan: Of course, I am. It took over from the State.

The Hon. W. R. WITHERS: That is interesting! Here we have the Minister-elect for Education who has said that the Federal Government expected the State Government to cancel the allowances. It just so happens that I have not read out the second part of the answer to the question asked by Mr. Peter Drummond in the Federal Parliament this morning. The Federal Minister for Education was questioned about the means test and the allowances, and the answer he gave was—

> When we launched this scheme an appeal was made to the State Governments to continue their form of assistance monetarily, their travel warrants, rail warrants and/or that which assisted isolated children.
> Not all of the States have retained their allowances.
> With regards to the means test, this is a matter we will have to consider but I urge people to apply.

That is the reason I want all the documents pertaining to this subject and all the correspondence between the Commonwealth Government and the State Government to be tabled in the House, because there is something radically wrong. The Minister is not aware of what is going on in the area.

The Hon. J. Dolan: When you said that the State should pay these allowances, what allowances were you talking about? I understood I was replying to your question and was telling you the Commonwealth Government took over from the State Government the payments to the hostels.

The Hon. W. R. WITHERS: Only because the State Government cancelled the allowances. Does not the Minister understand that? When the Commonwealth Government found that the State Government had cancelled the allowances it had to make the payments to the hostels; but even that has not worked out too well.

Let me refer to a Press statement issued by the Hedland High School Hostel. In it the following appears—

> It was April 1973 before the Hostel Committee was informed that the Assistance would be paid monthly to parents on application.

The Hon. D. K. Dans: How many hostels are involved?

The Hon. W. R. WITHERS: There is only one in my area—the Hedland hostel. It would not matter whether it was one or 20 hostels; it is the principle which counts. Obviously some members of the Government think they can forget about those people just because they are in the minority. To continue—

> Consequently the Hostel has not received any money from either the State or Federal Government for the first term of 1973. It is understood that as yet many parents have not received their application forms for the assistance.

I have read out the letter of the 19th of this month which confirms this. I warned and pleaded with the Government to use the news media to inform the people concerned. I could quote the case of a woman

in the north who rang me, saying almost in tears that she had been advised by the hostel that her children would be sent home if the fees were not paid. That was on Monday. In answer to the question I asked as to what action had been taken, the Minister said no action would be taken in regard to this situation which it had created. To continue with the Press statement—

> The Hostel now has to charge parents $116.00 for the Government portion of 1st term fees plus the full $255.00 for second term.
>
> Increasing costs and high electricity costs have forced the Committee to increase the fees from $210 to $255 per term.
>
> Parents are being told that unless the accounts are paid in full on the first day of 2nd term, students will be sent home.
>
> The Hostel Committee is well aware that the second term accounts will present real difficulties for parents, particularly those with two or three students at the Hostel.
>
> The Committee is at present making approaches to Government to have the Federal Assistance to Isolated Children paid direct to Hostels to save the parents being used as a buffer for slow payment tactics by the Federal Government. In actual fact the "Assistance to Isolated Children" scheme is working to the detriment of both parents and Hostels.

The Government does not seem to be able to recognise this fact.

The Hon. D. K. Dans: Are you suggesting that if the payment is made to the parents, the hostel thinks it will not get the money for a while?

The Hon. W. R. WITHERS: I did not say that.

The Hon. D. K. Dans: You referred to its being used as a buffer.

The Hon. W. R. WITHERS: I mentioned it being used as a buffer for slow payments. I have heard the honourable member explaining that when mail was sent up north it sometimes took seven weeks if the letter did not have an airmail sticker.

The Hon. G. C. MacKinnon: Has not the Government been saying that the whole reason is that the parents have not applied?

The Hon. W. R. WITHERS: That is right. As the Minister pointed out in his speech, the parents have not applied and he is blaming the parents for not putting in applications. However, the Federal Minister for Education is blaming me, and he seems to think that my influence extends to the point where I can convince two-thirds of the parents of children in isolated areas not to put in applications.

The Hon. J. Dolan: You are convincing yourself, and nobody else.

The Hon. W. R. WITHERS: I do not know what the Minister means by that. I am only using the words of the Federal Minister for Education when he said I was discouraging people from applying for the allowances. The Federal Minister said that in Canberra this morning. Apparently I am a pretty powerful bloke in the eyes of the Federal Minister.

The Hon. J. Dolan: In your own eyes, perhaps.

The Hon. W. R. WITHERS: I think I have made my point. The evidence I have presented has proved that the situation is in a shocking mess and that the State Government is not fully aware of the position.

I consider that the State should not cancel the payment of the State allowance, and for that reason I feel we should have all the relevant correspondence made available. I agree with the Minister that there is some information, such as the income of families, which should not be made public.

The Hon. J. Dolan: The honourable member has only to be reasonable and I will give him the correspondence.

The Hon. W. R. WITHERS: The correspondence between the State and the Federal Government has caused a bureaucratic mess, and I believe those documents should be tabled.

THE HON. G. W. BERRY (Lower North) [10.22 p.m.]: I support Mr. Withers because on many occasions he has mentioned the matter of allowances for children living in isolated areas. It is not fair that those people should be subjected to the treatment which they have received. I live in the area and I know the conditions which apply. It seems that the further one lives away from the city the less chance one has of receiving assistance.

The Hon. J. Dolan: That is not right.

The Hon. D. K. Dans: Is there a hostel in Carnarvon?

The Hon. G. W. BERRY: Yes.

The Hon. D. K. Dans: Does the same situation exist there?

The Hon. G. W. BERRY: It exists everywhere.

The Hon. D. K. Dans: Has the honourable member had a complaint from the hostel in Carnarvon?

The Hon. G. W. BERRY: I have not had complaints but I know the same situation applies because people have not received application forms. Mr. Wordsworth has had trouble in the Esperance area.

I support Mr. Withers. I think he put up a good case, and this matter should be resolved once and for all.

THE HON. D. J. WORDSWORTH (South) [10.23 p.m.]: I do not think I could allow this motion to pass without some comment. It disappoints me to think that we, as members of Parliament, have to help the Government with some of the difficulties it is experiencing in our respective electorates.

On Thursday, the 12th April, I asked a question concerning finances for country high school hostels. I thought the Minister would have got the message, somewhere along the line, from the question which I asked. I asked the Minister what provision had been made by the State Government to overcome a certain situation where hostels were running short of funds. The Leader of the House replied to my question and said that special financial assistance had been provided by the State Government as and when required.

I consider my question was a hint that country hostels required finance. One hostel could not pay the wages of its staff, and could not buy food. I mentioned three hostels at the time.

The Hon. D. K. Dans: Which three hostels?

The Hon. D. J. WORDSWORTH: Esperance, Northam, and Albany. At Esperance the stage was reached where the management had to try to put a bus in hock in order to raise a loan. This matter has gone on for over a month since we moved a motion on the 17th April. However, it seems the State authorities could not care less. When the Minister replied to my motion he obviously read a speech from another place because he mentioned the name of Mr. Ridge and had to correct it to Mr. Withers.

The Hon. G. W. Berry: It was probably the same motion.

The Hon. J. Dolan: It was the same motion. The motion moved here was no different from the motion moved in another place. It is not unusual to give the same reply.

The Hon. D. J. WORDSWORTH: Now, of course, the Minister's colleague in Canberra is attacking Mr. Withers for continually bringing this matter forward. I think that is another disgrace and I support the motion.

THE HON. W. R. WITHERS (North) [10.26 p.m.]: I thank members for supporting my motion, and I would like to say to the Minister that we realise he is not yet the Minister for Education. I was addressing most of my remarks to those responsible for the situation which we face today, and which we should not have to face.

We have already passed a motion that the State should consider reinstituting the State portion of the boarding-away-from-home allowance for isolated children. I hope the Government will see the writing on the wall and try to do something quickly. If the State Government is sincere I suggest that the hostels should be contacted and told that the State will be responsible for payments until such time as the parents receive the Federal allowances. If that is not done it is possible that some children will be turned away from the hostels on Monday. With those words, I seek leave to withdraw my motion.

Motion, by leave, withdrawn.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.28 p.m.]: I move, without notice—

> That the House at its rising adjourn to a date to be fixed by the President.

I would give a hint that I expect the date to be somewhere around the 7th August.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [10.29 p.m.]: I must apologise to the House for taking up a few minutes of our time.

The PRESIDENT: Order! The adjournment motion must be put without comment.

Question put and passed.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.30 p.m.]: I move—

> That the House do now adjourn.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [10.31 p.m.]: I apologise to members for taking up a few minutes of the time of the House but I wish to bring a matter to the attention of the Minister. I am concerned in connection with answers I received today to a question without notice. My question concerned the East Victoria Park School. Amongst other things I asked the Minister—

> (1) How many applications were received by the closing date of the 6th October, 1972, to the

Public Works Department's Australia-wide advertisements inviting applications for the sale and/or exchange of the East Victoria Park School site?

(2) Who were the applicants?

In answer to part (2) of my question the Minister said—

(2) Woolworths (W.A.) Limited,
Merifield Holdings Pty. Ltd.,
Silver, Goldberg and Associates,
Leighton Contractors Pty. Ltd.,
Hanover Holdings Ltd.,
Mair and Company Pty. Ltd.,
Pivot Securities,
Hodd Wilkins Pty. Ltd.,
Wilson International.

I have with me a letter, dated the 4th May, 1973, signed by the Under Secretary for Works and addressed to Mr. P. Laurance, General Manager, Pivot Securities, 252 St. George's Terrace, Perth. The letter reads—

Dear Sir,

Receipt is acknowledged of your May 2, 1973 letter confirming that your Company still retains an interest in purchasing the East Victoria Park School site.

I am unable to advise that the site would be offered to your organisation some time in the future under the same terms and conditions as those negotiated with Pi Hitch Pty. Ltd.

If the proposed arrangements for one reason or another do not come to fruition, inflation and escalating building costs will most probably make the present proposal not at all attractive as far as the State Government is concerned in a relatively short period of time.

That letter from the Under Secretary for Works clearly indicates that the Government was negotiating with a company called Pi Hitch Pty. Ltd. for the exchange or purchase of the land currently occupied by the East Victoria Park Primary School. However, in answer to part (1) of my question the Minister said that eight written submissions were received and, in addition, another firm indicated by telephone that it was interested in this proposition but had not had sufficient notice of it, although it wanted to record that interest.

The Minister named nine organisations which, in the opinion of the Government, had applied under the terms of the advertisement. The letter I have read to the House, which is signed by the Under Secretary for Works, states that on the 4th May the Government was negotiating with a company called Pi Hitch Pty. Ltd., of which the Minister made absolutely no mention when replying to my question.

The Hon. J. Dolan: Could it possibly be that this is the firm which telephoned?

The Hon. CLIVE GRIFFITHS: In answer to the interjection, I would say it could not possibly be the firm which telephoned because the Minister, in his answer, said that eight written submissions were received and one submission by telephone. In his answer the Minister named nine organisations, not one of which is Pi Hitch Pty. Ltd.

At this point of time there does not appear to be much more I can do. The House will adjourn shortly until approximately the 7th August. That would be the first opportunity I would have to raise the matter unless I did so tonight.

I have implicit faith in the Minister as has every other member in the House. I know he endeavours to give members correct answers to the questions they ask. I am not casting any reflection on him or on the answers he has given.

However I suggest—and I know the Minister will accede to my request—that he make some inquiries fairly quickly from the department which supplied him with the answers to my questions and seek an explanation as to why an endeavour was made to mislead this House by not giving the information which is contained in the letter I have read out.

The Hon. J. Dolan: The departmental officers may not have misled the House. There may be a legitimate explanation.

The Hon. CLIVE GRIFFITHS: There may be.

The Hon. J. Dolan: Do not ascribe wrong motives until you hear the answer.

The Hon. A. F. Griffith: Perhaps the Minister in charge of the House would make the way clear for Mr. Clive Griffiths to have a conference with the Minister for Works fairly soon.

The Hon. CLIVE GRIFFITHS: Perhaps he would. I can only say that it is misleading to me, because I have in my possession a letter which clearly indicates the Government was negotiating with a company called Pi Hitch Pty. Ltd. but, in reply to my questions, the Minister did not mention this company amongst those which replied to the advertisement that was published by the Public Works Department. To me at least, this is misleading. I am not prepared to say whether it was intentional, because I do not know. I do not suggest it is, but it is certainly misleading whether or not it is intentional.

I ask the Minister whether he could arrange an interview for me with the Minister for Works to discuss this matter because that Minister is responsible for the answers to the questions which I asked. I also ask the Minister whether he would make it his business at least to ascertain the reason for the conflicting information.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.36 p.m.]: I will draw the attention of the Minister for Works to the queries which have been raised by the honourable member and I will ask that Minister to contact him and give him the requisite answers.

Question put and passed.

House adjourned at 10.37 p.m.

Legislative Assembly

Thursday, the 24th May, 1973

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

PUBLIC ACCOUNTS COMMITTEE

Membership

MR. J. T. TONKIN (Melville—Premier) [11.04 a.m.]: I move—

> That the Member for Maylands (Mr. Harman) and the Member for Fremantle (Mr. Fletcher) be discharged from attending the Public Accounts Committee and that the Member for Mount Hawthorn (Mr. Bertram) and the Member for Mirrabooka (Mr. A. R. Tonkin) be appointed in their place.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [11.05 a.m.]: In supporting the motion I would like briefly to say that the Parliament should record its appreciation of the work done by the members who are retiring from the Public Accounts Committee, and particularly the gentleman who has been the chairman of the committee. I would like to congratulate him upon his elevation to the Ministry. I can assure him that his ulcers will increase at the square root of the salary increase he will receive! However, we take the opportunity to express appreciation for the work he and the member for Fremantle have done.

MR. W. A. MANNING (Narrogin) [11.06 a.m.]: As Deputy Chairman of the Public Accounts Committee I would like to say a few words to the two members who are retiring—the member for Fremantle (Mr. Fletcher) who has been on the committee for some time and the member for Maylands (Mr. Harman) who has been the chairman since the retirement of the present Minister for Housing (Mr. Bickerton). We appreciate the work they have done on the committee. May I say that it seems to be part of the job of Chairman of the Public Accounts Committee to step up into Cabinet. We have set a couple of precedents in this regard.

Sir Charles Court: Now you have the member for Karrinyup worried!

Mr. W. A. MANNING: On behalf of myself and other members of the committee I wish to express appreciation of the work done by the members who are retiring. It is a pleasure to work on the committee because of the untiring efforts of the members concerned and because of the fact that the committee has never shown the slightest leaning towards party political ideas. That has never entered into our work. We have been one, united committee; that has been the essence of our thinking and our actions from the very beginning.

MR. HARMAN (Maylands) [11.07 a.m.] I would like to thank the Leader of the Opposition and the member for Narrogin for their kind words and congratulations. I found the committee to be a most stimulating body with which to work, and I think we were able to achieve a great deal for the House.

On behalf of the member for Fremantle, who is also retiring from the committee with me, I would like to say that we enjoyed the fellowship of the other members of the committee. We worked as a team and it is with some regrets that I sever the association I have enjoyed over the past two years.

MR. FLETCHER (Fremantle) [11.08 a.m.]: I did not anticipate expressions of thanks for my service on the Public Accounts Committee. However, I sincerely thank the Opposition for recognising that service. I, too, found my experience on the committee to be most enjoyable and very educational. I wrote to my party expressing my regret at the need to ask it to relieve me of this pleasant duty.

The member for Narrogin has pointed out that two chairmen of the committee have been elevated to the Cabinet. In future the electors will determine from which side of the House others will be elevated to the Ministry. It did not happen to me, by a very narrow margin.

However, my electorate must come first and my responsibilities as member for Fremantle include being a member of the Board of the Social Centre for Elderly People, and a member of the hospital board. I am also on subcommittees of those boards. Unfortunately, their meetings are held on the days which the Public Accounts Committee finds it convenient to meet. I bow out with some reluctance. I am aware of the worth-while nature of the committee. As a result of my association with the Civil Service Association I know that Government departments are also aware of the existence of the committee as a result of our inquiries; and various departments are now on their toes.