Paradoxically, as I said on the 16th September, it is a year when the Government has had to be most selective in providing for improved standards of services. This large increase in expenditure is necessary merely to prevent any deterioration in the general standard of Government services, to provide for some advance in the field of education, and to assist others who are in an even more difficult position than ourselves.

Let us look at some of the items which went to make up for this increased expenditure. The full year cost in 1971-72 of wage and salary increases granted during last financial year will add a further $15,600,000 to expenditure in 1971-72.

Mr. McPharlin: Does that include the increase in the teachers' salaries.

Mr. T. D. EVANS: In addition, award increases granted since the 30th June up to the time when the Budget was introduced on the 16th September added an extra $2,600,000 to the wages and salaries bill.

In this particular year there is an extra pay period, and this will result in a further $2,600,000 being required to meet this situation. Because of the impact of the Federal Budget—which augmented allowances payable to deserted wives—the State was required to maintain its standard of service which was complementary to the Commonwealth assistance granted. We had to find an extra $1,700,000 this year for this purpose. Last, but certainly not the least of any of consequence, our servicing of debt amounted to an increase of $6,800,000 on interest and sinking fund contributions.

The Budget has been criticised as being discriminatory, but I cannot recall anyone suggesting on which alternative section of the community the burden should be placed. I think it must be recognised that the Government was faced with a situation where it had to raise extra revenue, because of the situation I have outlined, or condone a diminution in Government services. I do not think any member in this House would approve of any diminution. No-one has been able to indicate an alternative section of the community on which added burdens could be placed.

Mr. McPharlin: The pay-roll tax has been given to you. What amount will this bring in?

Mr. T. D. EVANS: The amount was indicated when the pay-roll tax legislation was before the House, and the answer to the question will be found in *Hansard*. I shall not weary the House any longer. I thank members who have contributed to the debate.

Before concluding I would like to show briefly that from a forecast made it may well be said the economic sky of Western Australia is still generally clear. There are some black clouds, but they have a habit of rolling away. I feel the Commonwealth Government has seen the error of its ways. The Budget it introduced in August was clearly ill-conceived, and it was made on a wrong diagnosis. This Budget, based on a wrong diagnosis, was presented to cure an inflationary process which was said to exist. Since then the Commonwealth has seen the error of its ways.

Mr. Court: Be fair!

Mr. T. D. EVANS: By restoring confidence, and by unlocking large sums of money which are now deposited in savings banks, at the Christmas period we hope to be able to inject some of that money into the community, and so restore confidence and roll the dark clouds away.

I have had the honour of being a member of a team which introduced this Budget and I had the privilege of delivering it. I enjoyed the opportunity to defend it, but there was really no great need for defence. I also share the responsibility of giving effect to it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Minister for Education) in charge of the Bill.

The CHAIRMAN: I will now move to the Estimates of Revenue and Expenditure. For the benefit of new members I refer them to the brochure which has been distributed to members. This relates to the financial procedure applying to Appropriation Bills. If members have any difficulties they will easily resolve them by referring to the brochure.

Part I: Parliament—

Progress

Progress reported and leave given to sit again, on motion by Mr. Harman.

House adjourned at 5.31 p.m.

Legislative Council

Tuesday, the 7th December, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

BILLS (4): ASSENT

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

1. Companies Act Amendment Bill.
2. Bills of Sale Act Amendment Bill.
3. Traffic Act Amendment Bill.
4. Traffic Act Amendment Bill (No. 2).

QUESTION WITHOUT NOTICE

LAMB MARKETING AUTHORITY

Tabling of Report

The Hon. N. McNEILL, to the Leader of the House:

Will the Minister place on the table the report prepared by the Rural Economics and Marketing Section of the Department of Agriculture on a submission by the Meat Section of the Farmers' Union of Western Australia, relative of a statutory marketing authority for lamb in March, 1969?

Also, have there been any subsequent reports on this subject and, if so, would the Minister likewise table such reports?

The Hon. W. F. WILLESEE replied:

The honourable member gave me some notice of this question and I have one report which I will table. In submitting the report for tabling I would like to offer the following comments:—

The report was submitted in March 1969 on the basis of work carried out in late 1968 and early 1969. The report examined a fundamentally different proposal which incorporated a levy on lamb produced in the 'off peak' period of production and disbursement of this levy on lamb produced in the peak period of September, October and November when lamb prices are at their lowest level.

Such a levy would have negated attempts to bring about a more even spread of lamb production over the year, which is considered necessary for the effective development of markets.

No such levy arrangements are envisaged in the Marketing of Lamb Bill now before Parliament. Producers would be paid an equalised price for prescribed grades of lamb as a composite of wholesale and export prices for specified periods during a season.

Further work has been carried out by the Rural Economics and Marketing Section on this matter but no reports have been prepared for publication. The section supports the current proposal.

QUESTIONS (4): ON NOTICE

1. RAILWAYS

Dwellingup Area

The Hon. N. McNEILL, to the Minister for Railways:

Further to my questions of the 17th and 24th November, 1971, and the Minister's replies, on the subject of transport permits in the Dwellingup area, and the operation of the Dwellingup-Pinjarra railway, I ask—

Will the Minister now authorise a re-examination, particularly in view of changed operational circumstances of the Dwellingup timber mill?

The Hon. J. DOLAN replied:

The matter was referred to the Director General of Transport on 25th November, 1971. He has advised a re-examination of circumstances will be carried out early in the New Year.

2. EDUCATION

Roebourne State School

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

In view of the overcrowding at the Roebourne State School which has necessitated demountable classrooms and the use of another room approximately one mile from the main school building, will the Minister advise of his immediate corrective action and the short and long term planning for this school?

The Hon. W. F. WILLESEE replied:

Demountable classrooms will be provided according to the needs in 1972.

Every endeavour will be made to replace these rooms by permanent structures in the 1972-73 financial year.

3. EUROPEAN FINANCE

Interest Rates

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

What is the current interest rates for the borrowing of Euro dollars on—

(a) short term basis; and

(b) long term basis?

The Hon. W. F. WILLESEE replied:

I understand that at present rates range from 5-1/16th% for overnight accommodation to 7⅜% for a five year loan. Other charges would increase the cost of such borrowings.

4. HEALTH

Albany Dental Clinic

The Hon. J. M. THOMSON, to the Leader of the House:

(1) What number of patients received dental treatment at the Albany Dental Clinic during the period 1st January to 1st December, 1971?

(2) What is the current waiting list for patients?

(3) If the reply to (2) indicates a large list, when is it anticipated that the treatment will be completed?

(4) What are the proposals, if any, to cope with the present and future dental surgery requirements at the Albany Dental Clinic?

The Hon. W. F. WILLESEE replied:

(1) 775 patients in 3,692 visits.

(2) 347 persons.

(3) The last of the 347 would commence treatment in 6 months from now. The completion date of treatment cannot be predicted. Some will be completed for simple fillings in one month, but others, if seeking orthodontic treatment, may not be completed for 2 years.

(4) The dental surgery requirements physically are adequate. The problem is in staffing the clinic with sufficient dentists.

The four surgeries could accommodate 2 full-time dentists and a visiting orthodontist. In the New Year the staff of one dentist will be increased by one part-time dentist and the effect of this on the waiting lists should soon be noticed.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to amend the Industrial Lands Development Authority Act, 1966-1970.

The amendment is consequent on the decision of the Government to reorganise the former Department of Industrial Development. The Industrial Lands Development Authority Act provided that the Director of the Department of Industrial Development was a member of the authority. With the abolition of this position the authority cannot legally operate for one of its constituents.

The former Director of Industrial Development had also been appointed chairman in accordance with the provisions of the Act. Therefore, the amendment provides for substitution of the Director of Industrial Development with the office of Deputy Co-ordinator (Industries) and appoints that officer chairman of the Development Authority.

Summarised it can be said that the amendment is necessary to tidy up the position following reorganisation of one of the State departments. It does not alter the position which existed in any way.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.47 p.m.]: I see no purpose to delay the passage of this Bill. As the Minister has just informed us, it is necessary purely because of the reorganisation of the department, and I support the measure.

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. W. F. Willesee (Leader of the House), and passed.

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.50 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to ratify an agreement between the State and Amax Bauxite Corporation for the mining and refining of the Mitchell Plateau bauxite deposits.

In addition to ratifying the agreement, the Bill repeals the 1969 agreement Act and simultaneously validates anything done in pursuance of the provisions of that Act before repeal.

The agreement appears as a schedule to the Bill and is identical with the agreement which was ratified in 1969, with the exception of a number of minor necessary alterations.

The reratification of this agreement is necessary because, prior to the signing of the original agreement, approval as required under the Banking (Foreign Exchange) Regulations was not obtained. This omission rendered that agreement invalid.

This is the second agreement in recent years which has been of no effect because of these regulations. In 1970 the then

Government had to reintroduce the Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Bill for exactly the same reason.

I will now explain the variations between the present agreement and the original. The dates throughout have been altered, having regard to the fact that the agreement was signed recently, and not in 1968. I shall not specifically refer to these.

The first amendment is at line 4 of clause 3(3)(i). The original agreement referred to a partition under the Partition Act of 1878. This Act has now been superseded by the Property Law Act of 1969.

Another amendment is to clause 10(j), commencing with the word "provided" in the fourth last line. This is to give the company the benefit of the amendment to the Local Government Act regarding rating of mineral leases.

A further amendment is the addition of a new clause 23. This is consequential on the decision to substitute the 1968 agreement and its effect is to terminate the earlier agreement.

During his recent visit to America, the Minister for Development and Decentralisation, the Hon. H. E. Graham, had a discussion with Amax regarding the Mitchell Plateau project. The Minister was informed that the project was to proceed and, barring unforeseen developments, work on preparation of the area ready for commencement of construction will proceed immediately following the current rainy season. This is expected to be in May, 1972.

I have a copy of the plan referred to in the agreement and seek your permission, Mr. President, to its being tabled for examination by members. The plan is identical with the plan that was attached to the 1968 agreement.

I commend the Bill to members.

The plan was tabled.

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

CONSUMER PROTECTION BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.53 p.m.]: I move—

That the Bill be now read a second time.

The Government in accordance with its policy on consumer protection believes the introduction of this measure into Parliament is most desirable.

Western Australia is at present the only Australian State which has no such legislation and the establishment of a consumer protection authority was a promise which was common to the election policies of both the Government and the Opposition parties.

The public response since the portfolio of Consumer Protection was created has confirmed the need for a consumer protection authority in this State and it is pertinent to remark at this point that, without any publicity at all, more than 80 specific complaints have been received by the two successive Ministers administering that portfolio.

I am advised that some of the complaints arose as a consequence of genuine misunderstanding between a firm or its representatives and a customer and further that upon representations being made on the complainant's behalf the problems were promptly and fairly resolved.

Responses to date in such cases have indicated that most business organisations are reasonable when approached and practically all are prepared to remedy situations or endeavour to achieve acceptable compromise. Expressions of appreciation have been received from consumers and firms alike for the assistance given in overcoming and resolving problems which are the subject of complaints.

On the other hand there have been sufficient unsatisfactory cases to confirm the Government's convictions that the provisions in this Bill are both necessary and desirable in the interests of the public of Western Australia.

Before outlining the provisions of the Bill, I shall endeavour to deal briefly with the background of Australian consumer protection legislation over the past decade or so. Legislation to establish bodies specifically to safeguard the interests of consumers is a comparatively recent development in Australia. Although legislation to safeguard consumers previously existed at both Federal and State levels it was to be found in a diversity of Acts and restricted to provisions concerning trade descriptions, false advertisements, collusive tendering, bidding and such.

During the 1960s there developed a growing concern that it was no longer sufficient and in 1964 Victoria became the first State to introduce, rather hastily, legislation to set up an authority to deal with consumer affairs. The Victorian Act was limited in extent to the establishment of a Consumer Affairs Council. Not only was it hastily prepared but it was severely criticised on the grounds that it was not positive enough. In 1970 the Act was repealed and replaced by a new Consumer Protection Act which established a Consumer Affairs Council and a Consumer Protection Bureau.

In contrast with Victoria, New South Wales conducted extensive research in the field of consumer protection and in 1969 passed an Act based on a survey of legislation in 16 overseas countries. The comprehensive report which resulted provided the basis for the New South Wales Consumer Protection Act of 1969.

Tasmania was the third State to establish a consumer protection body, when in 1970 Parliament passed the Consumers Protection Act (1970), which is similar to the original Victorian Act.

The Queensland Government prior to instituting consumer protection legislation researched the activities of consumer protection bodies throughout Europe and America, and in 1970 a Consumer Affairs Act was passed and this Act was regarded as the most comprehensive consumer protection legislation passed by any of the States.

South Australia, whilst not having a consumer protection Act as such, made provision last year for consumer protection by amending the South Australian Prices Act.

This State, advantaged by being in a position to assess the legislation and the comprehensive reports of the other States, has been disadvantaged meantime in having no comparable consumer protection legislation.

In submitting this legislation to the House I advise that the necessary assessment and research preparatory to its drafting has been carried out by the respective Ministers, the Department of Labour, and Crown Law officers, and is submitted for consideration in the belief that it contains the best features of the legislation of the other States.

The Bill proposes the establishment of two consumer protection bodies; that is, a consumer affairs council and a consumer protection bureau. In connection with the latter it also provides for the appointment of a consumer commissioner. The council is in effect an advisory body to the Minister on such matters affecting the interests of consumers.

The Government, in recognising the need for a fair representation of the community, provides in clause 6 of the Bill a comprehensive representation on the council, aligned with that contained in the Queensland Act.

Clause 7 provides that members may be appointed to the council for a period of up to three years and are eligible for reappointment. In clause 8, provision is made for the appointment of deputy members to the council when necessary. In clause 9, one of the members of the council shall be appointed as its chairman by the Governor. Clause 10 makes provision for the payment of remuneration and allowances as the Governor may determine.

In clause 11 provision is made for the conditions under which a member shall be deemed to have vacated his office and leave of absence is covered in clause 12. Clause 13 deals with meetings.

The functions of the council are set out in clause 14 and it is of interest that the council may for the purpose of performing its functions co-operate, affiliate, or consult with other organisations, bodies, or persons concerned with the interests of consumers.

Provisions for the appointment of a commissioner for consumer protection are contained in clause 15. This officer may either be appointed by the Governor for a term not exceeding seven years or alternatively he may be appointed under the Public Service Act, under which officers to assist the commissioner shall be appointed.

In clause 16 it is proposed that a consumer protection bureau be established under the charge of the Minister for Consumer Protection. The commissioner is responsible for the direction and control of the bureau in the administration and performance of its functions.

When established, it is proposed that the bureau will carry out certain functions and these are set out in clause 17.

Clause 18 provides that, subject to receiving written consent from the Minister and the consumer involved, the commissioner may institute or defend legal proceedings, provided that he is satisfied that the consumer has a cause of action or a good defence to an action and that it is in the public interest to do so. The consumer may only take such action where the amount claimed or involved does not exceed $2,500.

Clause 19 empowers the commissioner, or a duly authorised officer, in carrying out his duties relating to investigations and inquiries to require any person to give him information and to answer any question put to him.

Under the provisions of clause 20 a person is not obliged to answer any question unless he has been advised by the commissioner that he is required and obliged to do so under the provisions of the Bill. A person may not refuse to give an answer or information requested on the grounds that it may incriminate him. However, the information obtained is only admissible in proceedings taken for an offence under the requirements of the Bill and cannot be used in evidence for offences not related to it.

Clause 21 makes it an offence for any person to refuse to give information, and a penalty of a fine of $200 applies in the event of false information being given.

Clause 22 refers to persons who prevent or obstruct the commissioner or his officers from entering premises.

Clause 24 is the secrecy clause for the protection of all alike. This clause renders a person holding office and who is employed under the provisions of the Bill liable to a penalty of $500 if for any reason other than in the performance of duty he divulges to any person any information which he has acquired concerning the affairs of another person.

Clause 26 requires the chairman of the consumer protection council to submit an annual report to the Minister on the activities of the council and the bureau, and this must be tabled in Parliament.

I mention that the Minister moved in the Legislative Assembly an amendment to clause 5 to allow for the insertion of a subclause to bring the council and the bureau of consumer affairs under the Secretary of the Department of Labour who would act as an intermediary between the council and the bureau on the one hand and the Minister on the other. This subclause is similar to provisions in other legislation in this State—the scaffolding legislation is one instance—and in legislation in three other States. The Government believes it is warranted.

An amendment to clause 6 was made to allow a choice of a council member from any employer body in the State. A view was apparently expressed that the original wording would restrict the choice and be likely to cover only from five to eight per cent. of employers.

The drafting of clause 14 was tidied up by an amendment moved by Mr. W. A. Manning.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution;—

> That the proposal for the partial revocation of State Forests Nos. 21, 27, 49, 58 and 65 laid on the Table of the Legislative Assembly by Command of His Excellency the Governor on the 19th November, 1971, be carried out.

Motion to Concur

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.02 p.m.]: I move—

> That this House concurs with the resolution contained in Message No. 50 from the Legislative Assembly regarding the partial revocation of State Forests Nos. 21, 27, 49, 58 and 65.

Mr. President, I seek your concurrence in my laying upon the Table of the House the proposal contained within these papers and dated the 6th October, 1971, for the partial revocation of the dedication of State Forests Nos. 21, 27, 49, 58, and 65.

Under section 21 of the Forests Act, 1918-1969, a dedication of Crown lands as a State Forest may only be revoked in whole or in part in the following manner:—

(a) The Governor shall cause to be laid upon the Table of each House of Parliament a proposal for such revocation.

(b) After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out, shall, by Order in Council, revoke such dedication.

(c) On any such revocation the land shall become Crown land within the meaning of the Land Act.

The proposal sets out in detail the precise boundaries of the several pieces of land involved; such descriptions being supported by separate plans showing the position and extent of each area concerned.

For the information of members I propose to give a brief description, as follows, of the lands, the subject of the proposal for partial revocation of the dedication:—

Area No. 1.

An area of about 69 acres part of which is severely affected with dieback and includes two dam site leases held by the adjoining landholder. All marketable timber will be removed before the area is released.

To be exchanged for an area of 62 acres which is surrounded by land held for pine planting by the Forests Department. This area will add 62 acres of plantable soil to the plantation, reduce fire risk from agricultural operations, and enable an additional 10 acres to be planted which would otherwise have been left as a firebreak around the property.

Area No. 2.

An area of about 11 acres applied for by an adjoining landholder. Apart from three acres of cut-over bush, the area contains no marketable timber.

The release of the area to the adjoining holder would provide a more satisfactory boundary to both the State Forest and private property by removing a salient.

Area No. 3.

An area of about 21 acres to be released to an adjoining landholder to allow construction of a dam for orchard irrigation. No suitable soil for dam construction is available on

the applicant's property. Water will be available from the dam for Forests Department purposes.

In exchange will be an equal area of land which adjoins a pine plantation, and in addition to allowing extra planting it will provide a buffer strip of prime jarrah pole-sized regrowth between the plantation and private property.

Area No. 4.

An area of about 6 acres isolated from the main body of State Forest by the newly constructed route of Brockman Highway. The area has been clean cut because of dieback infection and is to be granted to the adjoining landholder.

To be exchanged for an area of about 7 acres of private property which has been cut over and now contains a moderate to good stocking of predominantly pole-sized jarrah. Its addition to the State Forest will give a better boundary to the State Forest by removing a salient.

Area No. 5.

An area of about 214 acres containing no millable timber which has been held under lease to enable a satisfactory fence line to be established along the steep bank of the Moore River.

To be exchanged for an equal area of Swan Location 2744. This addition will remove an undesirable salient and make an additional area available for pine planting. It will also enable a two-chain road survey to be placed on an acceptable grade and provide for a satisfactory plantation firebreak on the eastern State Forest boundary.

On behalf of the Minister for Forests, I advise that the Legislative Assembly has passed a resolution that the proposal be carried out and that its resolution be transmitted to the Legislative Council, and the concurrence of this House sought.

The plan was tabled.

Debate adjourned, on motion by The Hon. V. J. Ferry.

PARLIAMENTARY COMMISSIONER BILL

Recommittal

Bill recommitted, on motion by The Hon. J. Heitman, for the further consideration of the schedule.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Schedule—

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

Page 25, lines 19 and 20—Delete the passage "The Grain Pool of W.A. constituted under the Grain Pool Act, 1932."

There is no Government money connected with this particular Act and the Grain Pool of W.A. has functioned since 1932 without any Government help.

The Hon. W. F. WILLESEE: I regret that the Bill has been recommitted for this purpose. I do not doubt that what the honourable member says is correct, but the whole of this schedule was put forward as the basis of the Bill itself.

A considerable number of amendments were made and I would not like this Chamber to make any more.

If it is found that what the honourable member says is correct in principle, I would like to be given the time, after the Bill has been presented to another place, and if it becomes operative, to look at this point. Therefore, I oppose the motion.

The Hon. J. HEITMAN: I brought this matter up because I misunderstood the arrangements when the Bill was discussed in Committee earlier. I thought we could go backwards and forwards while we were debating the schedule. I agree with the comments of the Leader of the Government when he says he feels there should be a limit to the number of insertions in and deletions from the schedule. I must admit I expressed myself belatedly on the former occasion and that is why I bring the matter up today.

The Grain Pool of W.A. is run by a council of 20 men representative of the whole State. The four trustees of the Grain Pool of W.A. are farmers and the pool is run most efficiently. As well as selling all the coarse grains, it also arranges for the shipping in Western Australia of all wheat for the Australian Wheat Board. A few years ago efficiency experts investigated the Grain Pool of W.A., and they could find no fault with it.

The Grain Pool of W.A. has been selling coarse grains in this State since 1932. In the course of its business it is scrutinised by every farmer in Western Australia, and, therefore, there is no need for any other investigation.

The Hon. W. F. WILLESEE: I do not doubt any of the comments made by the honourable member. However, the name is included in the schedule and I feel we should not amend it further. Probably the Grain Pool of W.A. will never be questioned on the way it conducts its business. I certainly could not imagine that such an organisation would be called upon at short notice under the general terms of this Bill.

I come back to the principle—we have dealt with the schedule sufficiently deeply to use it as a basis and give it a trial as it stands at the moment. For that reason, and for no other, I oppose the amendment.

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

Ayes—15

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

Noes—11

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

Pair

Aye	No
Hon. F. D. Willmott	Hon. Lyla Elliott

Amendment thus passed.

Schedule, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.17 p.m.]: I move—

That the Bill be now read a third time.

THE HON. L. A. LOGAN (Upper West) [3.18 p.m.]: Mr. Clive Griffiths took me to task for a word I used in the second reading debate—namely the word "phobia." Perhaps the honourable member now has a better appreciation of my use of the word as a result of the events which occurred over the weekend. In the *Weekend News* we saw a headline, "Tonkin Raps Dolan Move."

It is clear from this article that Mr. Tonkin has a phobia or an obsession about this particular legislation. Otherwise, I am certain he would not have publicly rebuked one of his Ministers. The correct place for an attack of this nature is in Cabinet, not in the Press. I take very strong exception to the Premier's use of the Press for this purpose.

It has become evident in this debate that this is a very badly-drafted Bill. The schedule has been amended in many places and there are still many organisations referred to in the schedule which should not be included. This House should show its displeasure of this badly-drafted legislation by voting against the third reading. There is no urgency attached to this Bill—it could be brought back in the March session in a better form.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.19 p.m.]: The honourable member is entitled to his opinion and he can voice it in any way he wishes. However, I hope the House will pass the third reading of this Bill.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

ENVIRONMENTAL PROTECTION BILL

Second Reading

Debate resumed from the 1st December.

THE HON. G. C. MacKINNON (Lower West) [3.20 p.m.]: We have been led to believe that this is an important Bill, dealing with a tremendously important matter; yet we have waited a long time for it. I notice that the Minister, in introducing the measure, claimed that it will become the best piece of legislation of its type in Australia. To check that statement would require a careful analysis of other Acts; but personally I have my doubts. I believe the only sure way of proving it is to see how things turn out as we go along.

I believe the measure is a monument to the persistence of that somewhat remarkable man, the Premier of Western Australia. He has made statements to which he has stuck through thick and thin, and he has finally produced this Bill. Frankly, I have every intention of supporting it because I believe we need an environmental protection organisation. As a matter of fact, I thought so 12 months ago, or even a little longer than that. I will always regret that we have waited so long for this measure. If the Premier could be compared with Nero fiddling while Rome burnt then this is the mistake he produced, because over the last year nothing has been done.

It is no good saying that nothing was done to protect the environment before that, because actions have been taken. Memories are short. It was reported to me that even a present member of Parliament mentioned the other day that the matter of the Rivervale lime works had been attended to before I entered Parliament; but of course, that is a load of nonsense. As members know, the problem of easing the effect on the environment in the vicinity of the lime works was accomplished by mutual agreement, by consent, and by a little understanding.

So we have this Bill; but for what have we waited 12 months? We have waited 12 months for a complicated form of management in that we are to have the department, a council, an authority, and an appeal board. We have also waited for a

great amount of verbiage in which members will find all sorts of pitfalls—and I will point out a few—and in which I believe the Government will find grave dangers.

Certainly the previous Bill—and I do not wish to harp on this because it is history—was a simple one. I suppose the important difference between that Bill and this lies in the differences in political philosophy in that we tend to believe that persuasion is a better way of getting things done; that Acts should grow with the need for them; and when we enter a pool we tend to enter it at the shallow end. On the other hand, our political opponents seem to have an almost naive belief in legislation and its ability to control people. So they write this sort of legislation, containing about a full page which details what one should do if one has a personal interest in a particular matter—as if that has not been clarified a hundred and one times already. They tend to jump in at the deep end, and to think that people are made for laws and not laws for people. This measure is another example of the basic philosophy they seem to follow.

There is room to argue, of course, that this whole matter of environmental protection is not quite as important as one would imagine; that the real question affecting the protection of the environment comes down to population control, or keeping the population within reasonable limits. However, I am one of those who believe that that proposition being somewhat of a pipe dream, we must in fact provide legislation and establish a council or an authority. What absolutely shocks me is that right throughout this Bill one obtains the impression that industry, endeavour, and effort are the enemy of the people, and that the only friends of the people are bureaucracy and control. There is no appreciation of the fact that the standard we have attained is almost entirely the result of business, of enterprise, and of effort.

I think all members have attended international trade fairs. I have yet to see a country which is dedicated to not making profits manufacture a better washing machine, motorcar, refrigerator, or any other item of that nature than countries dedicated to the proposition of making profits. In short, private industry, private enterprise, and private development have given us all those things which, sneer at as we will, we would not do without. I would mention that a number of Indians were present—and they have been in the news of late—at a famous symposium and one of the Indian leaders said, "It is all right for you who are sitting in comfortable chairs, well fed and clothed, to talk about pollution. We would appreciate some pollution because we sit on the ground, unfed and with our total wardrobe on our backs; what we want is productivity."

It is a bad thing that there should be a thread running through this measure implying that industry and enterprise are the enemy and that only control and bureaucracy are the friends of the people; because this is not true. Many industries of their own volition have done a tremendous amount to cut down and control pollution and to make factories more beautiful and pleasant, because they want their workers living around them. I know that people will point to something which occurred at the turn of the century, such as the Greenbushes tin mines. At that time everyone believed the world was never-ending, but it has gradually dawned upon us that we live in a finite world and we cannot go on moving from one piece of land to another.

It surprises me a little that although industry is mentioned in this Bill, we have not yet got around to agriculture. This follows a pattern, and it will in this case; we start out with mining, move to industry, and finish up with agriculture, because no-one chops down more trees than the farmer.

This is necessarily so because we must have food. However many of the provisions of this Bill will be raised against farmers if not this year, then next year. I mention this purely for the purpose of highlighting the dangers in the detail that has been entered into with this Bill. Some successful effort has been made in another place to effect some amendments to provide safeguards and to make the Bill more just, and I hope that some successful effort will be made in this House to do likewise.

One or two firm statements made by Mr. J. T. Tonkin, of course, have not come to pass. Because I was greatly interested at the time, I can recall Mr. Tonkin claiming—when he was speaking on the original Bill, or just afterwards—that when the Labor Party brought in a Bill the Government would be subservient to the legislation; that even Cabinet would not be able to sign an agreement or perform any action if the environmental protection council said it could not take such action. I notice that such a claim has not been put into effect.

This is, of course, to the credit of Cabinet and to the party members who obviously would not allow such a provision to be inserted in the Bill. They must have decided to override such a condition, because it would be unthinkable that it should be allowed to happen. Yet there is still a doubt. I direct members' attention to clause 12 of the Bill which leaves some doubt as to what sort of control and responsibility the Minister will have. I believe most members will agree that the Minister must be responsible. He is the person who is elected. He is the one who has to face up to the criticism that will be levelled against him, especially on election day. We must ensure there is no doubt that the Minister is responsible.

So with a view to clarifying clause 12 I propose to move an amendment to clause 9 to provide that the authority shall be subject to the Minister, and that the authority shall consist of three members. This is important and I do not believe the conditions outlined in an over-enthusiastic statement made by Mr. Tonkin should override Cabinet. In my view the point has not been sufficiently clarified. We all know it is important and that the provision had to be changed. None of us got into a state about it at the time, but I think it should be clarified even further to ensure that the responsibility is held by the elected Government; that we know precisely who is responsible and that the person who is supposed to be responsible knows precisely that he carries such responsibility, because the people will hold the Minister responsible. We will not argue about that aspect.

There are several clauses in the Bill which, although we may desire to amend them, are virtually impossible of amendment. An example of this is found in clause 39, which comes under part III, "Environmental Protection Policy." Under this clause the authority can in actual fact submit a proposal and Cabinet has no authority to vary it in any way. It either has to accept it or reject it. It cannot accept seven parts of the proposal and reject the remaining parts, but I will admit it is very difficult to define the proper objective in a sensible sort of amendment. So, as I have said, despite the fact that there are some parts we would like to amend it is realised that this could only be done with great difficulty. This, of course, also cuts across the principle I mentioned before; that is, the Government should always remain supreme in these issues, and these provisions make the Government subservient to that degree.

Another clause, which I believe is a little ambiguous, I will deal with sketchily because it will be dealt with in detail in Committee. The clause deals with the establishment of an appeal board. This is to consist of a president and two other members, one of whom shall be a legal practitioner. After I had read this provision two or three times I accepted the fact that a legal practitioner was to be the president of the board.

The Hon. W. F. Willesee: What clause are you on now?

The Hon. G. C. MacKINNON: I am referring to clause 44. It was not until I read the clause more carefully that I realised the president of the board could be any one of the three members. I still think that in the original drafting of the Bill it was meant that a man with seven years' legal experience should be the president; that he should be the one who should remain as president, thus giving continuity to the appeal board; and that the other two members could be drawn from different industries, depending on what form the appeal took. For example, if it were a question of reserves—that is, whether the land should be used for farming or retained as a reserve—the other two members of the appeal board would be men who were interested in that land. If it were a matter of spillage of pollution, or the emission of waste products from a new factory at Albany, the other two members of the board would be men who were acquainted with factory processes.

As I said, when I examined the clause more carefully I realised that it was not quite correct, and therefore I propose to add after the word "standing" in line 36 at the bottom of page 34, the words, "who shall be the president of the board" in the hope that the Committee will make a legal gentleman the permanent president as I believe he was originally meant to be.

There is a peculiar aspect in relation to the appointment of the appeal board. Members will recall that a few moments ago I said any proposal submitted by the authority must be accepted or rejected by the Government; it cannot be varied. Yet the appeal board—which is not the responsibility of the Government—can in fact accept, reject, or vary. I am surprised the Government did not take unto itself the right to accept, reject, or vary instead of merely having the right to accept or reject. I would not be surprised if I were told that this is an oversight in view of all the consideration that would have to be given to the detail contained in the Bill; the dotting of the "i's" and the crossing of the "t's." I would not be surprised that such a provision was overlooked, thus restricting the flexibility of the legislation.

Therefore, when we come to consider part V of the Bill and read the clauses dealing with control of waste we find that they cut across what I believe are very important principles. It would appear that these clauses aim at making it paramount that anyone who takes any steps to effect changes and improve economic conditions will be labelled an enemy. I refer, of course, to the analysis of substances and that sort of thing. In fact, the definition is a little wide.

I draw attention to clause 59 (2) which states—

> Before making any recommendation under subsection (1) of this section the Authority shall consult with the public authority responsible and with the permit holder as to the practicability of the measures proposed to be taken, but where, after such consultation, a public authority receives a recommendation from the Authority it is, by force of this section and notwithstanding the provisions of any other Act, regulation, rule, or other law of the State, hereby empowered

to do or require to be done all such acts and things as are necessary to give effect to the recommendation.

When we refer to the term "pollution" we should look at the definition appearing in the Bill. "Pollution" is defined as—

any direct or indirect alteration of the environment to its detriment or degradation.

Let us take an absolutely absurd exaggeration—the example of a particular species living in a swamp, the water content of which is fairly saline; a farmer clears the nearby land thus allowing a greater run-off of fresh water which in time makes that swamp water fresh, and so changes the environment, as a consequence of which the species dies. In fact, this is degradation of the environment for that species. I give that instance, realising how foolish it is to illustrate these matters when one attempts to write in detail the sort of conditions which are included in the Bill.

What has been done is quite understandable. If we can believe the Premier (Mr. J. T. Tonkin), Dr. O'Brien's advice was used to draft the Bill. As I understand the position, Dr. O'Brien is a very highly qualified physicist; but he is not an ecologist. Accordingly, some of the mistakes that have been made are understandable. I refer to clause 60 which states—

Where the Authority considers that the discharge of any waste by any person or body, not being a permit holder, is causing pollution . . .

Here again, what is meant by the term "pollution"? This is a matter for grave argument. In one of the speeches made in this Parliament during the debate on the Bill before us the term "improving the environment" was used. In this regard I recall some gentlemen who wanted to take over a flora and fauna reserve for the purpose of grazing sheep calling on me on one occasion. They tried to convince me that the use of the reserve in that way would improve it. I said it would not. I had some difficulty in eliciting from them in what way the reserve would be improved. They said the sheep nibbling at the grass would make it grow. I told them that everything the sheep liked would grow, but that would only improve the reserve for the sheep—not for the wildflowers which the sheep eat—and for the other animals which eat the same vegetation eaten by the sheep. In fact, by grazing sheep on the reserve, it will be changed. Whether the reserve is improved or not depends on the point of view of the person putting up the argument.

To fill in a swamp and establish a playing field on the reclaimed land would improve the locality tremendously for the nearby residents and for those who wished to play sport on it; but it would be a somewhat disastrous change for the guppies and tadpoles which inhabit the swamp.

The Hon. W. F. Willesee: They would lose interest.

The Hon. G. C. MacKINNON: They would lose interest and die out. Therefore, the use of the word "improvement" in this context is incorrect. In fact, it is a change; but what is a good change for mankind is frequently a bad change for animals.

I would not want to live alongside a swamp which is a breeding ground for mosquitoes, but I am sure the little dickey birds which live on mosquitoes love the swamp. That is what I mean when I say many of these things have to be handled with great care and left tremendously flexible. In understandable ignorance this was what the Premier (Mr. J. T. Tonkin) forgot.

Sitting suspended from 3.45 to 4.03 p.m.

The Hon. G. C. MacKINNON: We come now to the part so beloved of those who objected to the original Bill and who are framing this one; that is, "Inspection and Enforcement." This illustrates perhaps more clearly than any other part the dangers of writing everything into a Bill—dotting every "i" and crossing every "t" to which I have referred before—because this particular part stipulates how samples for analysis shall be taken and handled, and it is stipulated with a complete lack of flexibility and, in my book, quite needlessly.

The principles of statistical analyses of samples of pollution are well documented. Books can be bought on the subject, and they are understood by those who must carry out the work. Consequently I see no necessity to include them in legislation, because invariably when this is done, trouble is experienced. I hope we are successful in amending this part in some way, although I feel this will be fairly difficult.

Basically, this is the way the system works: a sample is taken at any time and then analysed. The analysis can be published and copied in part or in full, with any comments the authority may make. It can also be copied in any paper at all anywhere in the world. I want to point out how this differs from the provision in a similar Act which controls pollution. The best one to study is the Clean Air Act and I would direct the Minister's attention to sections 31 and 37 (2) of that Act which allow for regulations to exempt chimneys for prescribed periods of time; and the time actually prescribed for the exemption of each chimney is four minutes in any hour.

I wonder whether members have any idea of the cost of pollution control, and the tremendous cost involved in establishing a foolproof operation—an operation

guaranteed not to fail. The costs are astronomical. Even if a firm goes to all the trouble involved, the possibility of an accident or a case of deliberate sabotage is not eliminated. Again, let us draw the long bow, and I believe this is a valid method of testing the thinking on a particular piece of legislation; that is, to exaggerate. However, what I will suggest is within the realms of possibility because it has occurred already.

Let us consider Laporte in Bunbury, the effluent from which plant is conducted across the estuary and over to the sandhills on the north shore. The pipeline carries the residue from the black sands, the ilmenite when it has been converted to titanium dioxide. The ferrous oxide is washed out and the minute traces of sulphuric acid are washed away. That is roughly the process, although I do not want to be held to the details because I could be wrong.

The Hon. W. F. Willesee: I would not try to correct you.

The Hon. G. C. MacKINNON: Imagine the situation if a barge or some similar vessel bumped the pipeline and fractured it, and this fairly messy but relatively safe waste pollutant poured out into the estuary. What an outcry there would be, as has been the case from time to time about various emissions from Laporte. The political pressure would be great and I believe the Government would not be able to withstand the pressure to have an analysis made and published. That analysis could be picked up in the papers in England or anywhere else in the world, and it is not beyond the realms of possibility that such a report could affect the share price of the company concerned. This would not be beyond the realms of possibility at all, when companies know the cost of pollutant control; which they do. Yet, statistically, this would be a completely inaccurate test. When the fallout from chimneys is tested, the tests are carried out over a period. However, this Bill contains no such provision; nor does it contain a provision which states that the results must be verified and checked against the statistical run.

Again, it is not beyond the realms of possibility that a man whose ire has been raised for some reason or another might commit an act of vandalism or sabotage, having previously advised reporters of this fact. Yet, these results can be published. I do not consider this reasonable.

I know the arguments against my objection will be that the authority will not be so foolhardy or irresponsible as to allow such a situation to occur; but I merely point out that people who live adjacent to the estuary in Bunbury are tremendously attached to the estuary which they visit for purposes of crabbing, and so on. They are very conscious of what can happen to their pleasure and the beauty of the estuary.

If an accident occurred there would be an outcry and even though the authority might know it was just an accident it could well find itself in the situation where it could do nothing to alter the analysis. The analysis would be published, and the story would grow from there. Who is to say that a subsequent proper explanation by the authority would be accepted? I believe amendments to this clause are absolutely vital.

Many years ago all members in this Chamber agreed to the Clean Air Act. There have been no arguments concerning the regulations under that Act, and one regulation allows four minutes in every hour during which black smoke can belch out of chimneys. The reason is it is almost impossible to do anything about that situation. I notice that almost the same phrase as that contained in the Clean Air Act has been inserted into this Bill, where it deals with ships and the like. While the Clean Air Act prescribes certain exemptions, the Bill now before us prescribes none. Accidents can occur, and some of those accidents are deliberate. That, of course, is sabotage but more often than not such acts are passed off as accidents, when really they are not.

The very spelling out of detail in this Bill, which I believe is quite unnecessary, and the very inclusion of that detail and this inordinate desire to show that the measure has some teeth, leads to problems. This type of action reminds me of a cruel act which was committed in the middle ages. I refer to the cutting off of the upper lip of a person so that that person looked as though he was always smiling. That was supposed to make other people laugh.

This is an inordinate desire to show the teeth and we all remember how bored we became during the previous debate because of the continual reference to teeth—perhaps I, more than other members, because I received deputations in my office concerning the lack of teeth.

The people against whom the legislation is aimed are not two-headed monsters. They live in the community and have children, grandchildren, and wives. They have beach homes and they like to go fishing and swimming; as I have said, they are not two-headed monsters. I refer to firms such as H. L. Brisbane and Wunderlich Ltd., Swan Portland Cement Ltd., and the many other industries at Kwinana. Those industries operate here and they provide jobs for our people. The managements of those concerns appreciate the conditions in Western Australia and I believe they deserve a Bill which would allow some flexibility and understanding. Reasonable men talking reasonably together can virtually solve any problem.

The Government, of course, has the ultimate power to say that something shall be done by bringing a Bill to Parliament. To my mind part V of the Bill contains some very real dangers. Even though everyone connected with a venture could be moving heaven and earth to prevent an accident, one could occur which could result in an analysis being taken and published.

Coming down to the ordinary every-day environment, a tremendous amount of pollution occurs in small ways and is caused by ordinary people. Those people require education and persuasion. However, I think most of us spoke about that aspect on a previous occasion.

I notice that Mr. Willesee has on the notice paper an amendment to clause 20 and it will considerably improve the clause. However, I think Mr. Willesee will find that his proposed amendment should have application to clause 68 also. He may examine that aspect.

Clause 73 bears out the same sort of philosophy I was talking about earlier. The thought is that no-one is any good except the bureaucrat. I expressed the other day—and do not let it be misunderstood because people heard what I said—my tremendous admiration of a great number of bureaucrats. However, they are not the only "goodies."

Clause 73 states that where an offence, under the Act, has been committed by a body corporate, any director, manager, secretary, or other similar officer of the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. The clause goes on to set out the conditions under which such a person shall not be guilty. However, clause 86 reads as follows:—

> 86. A person who is or has been—
>
> (a) an Authority member or a Council member, or a deputy of such a member;
>
> (b) an officer, employee, servant or agent of the Authority, the Department or the Council;
>
> (c) a delegate of the Authority,
>
> is not personally liable for any act of the Authority, the Department or the Council or of the member, deputy member, officer, employee, agent or servant acting as such.

I do not know what would happen if such a person had to dig a hole in the ground to inspect something, and did not put a hurricane lamp over the hole, which resulted in someone breaking his neck. Apparently one of those persons referred to could get away with that. However, the absolute opposite applies to the fellow who works in industry. I do not believe the situation is that black or white. I do not believe we ought to accept it as being that black or white.

Referring to clause 75, I again refer to the point that the present measure offers no flexibility, as is the case under the Clean Air Act. This is brought about by virtue of the fact that the Government is trying to block every little loophole which, of course, cannot be done. Quite frequently, when conditions are as severe as those set out in this Bill, the authority has to be infinitely more lenient than would be the case if flexibility were allowed. Nothing can be done if the legislation states that the authority must use the big teeth.

I do not think the Bill has only teeth. I think the measure is designed to put people through the coffee grinder. Despite that fact, I have every intention of voting for the Bill because we have waited too long without any legislation. We have waited far too long just to satisfy a few people who made a few speeches which they could not justify. In order to justify those speeches legislation such as that now before us had to be introduced. However, no-one will be able to say that I held up the measure, and I hope that will not be said about any member from either party on this side of the House.

A Minister in the other House said that no Minister had ever been overseas specifically to examine pollution. The answer, of course, is that one does not go overseas to look at just one matter.

In 1968 I looked at some aspects of this and I would like to give members some slight idea of the costs involved. I had discussions with Mr. Ireland, the alkali inspector of the United Kingdom, who is quoted frequently on matters dealing with clean air. He handles the clean air legislation in that country—legislation which, strangely enough, lacks any teeth but nonetheless has been tremendously effective. The legislation relies to a great extent on negotiation, understanding, and discussion. The same legislation has caused a metamorphosis in the air situation in the United Kingdom, but this metamorphosis has not been cheap.

Since 1958, the capital cost of installations in the United Kingdom demanded by the alkali inspector has run into £150,000,000 sterling. If we convert this figure in terms of running costs, such as maintenance, depreciation, and the like, it comes to a total of £324,000,000 sterling over the same period. In 1968 the estimated annual cost was £40,000,000 sterling. This figure did not include the cost of compensation and the like of a number of peripheral industries which have been closed down in the United Kingdom, but is simply the cost of the application of the clean air legislation.

The Hon. W. F. Willesee: Were the industries closed down because of the clean air legislation?

The Hon. G. C. MacKINNON: Quite frequently, yes. In many cases the premises were old fashioned and it was cheaper to rebuild. However, there were a variety of reasons for the closing down. Members have read what the authorities in the United Kingdom have done in regard to the Thames.

The figures I have given come from reports which I wrote daily. I thought they may be of interest to members. Even so, they were given at a conference at which I jotted them down and subsequently put them on tape. This was done on the same evening; they may be $100 or so out, but certainly any slight discrepancy would not warrant argument.

In speaking to the Bill I have tried to indicate some of the clauses which I think should be amended and some which probably ought to be deleted from the legislation, or rewritten, because it would be too difficult to amend them. I would like to see some provisions completely scrapped and operation left to the good sense of the authority and others who wish to improve the environment so that it is better for everybody or, alternatively, to keep it as it is.

The Government has seen fit to bring this measure forward. Anyone who has made a study of the difference in approach and philosophy, not only in this country but in other countries, between the Labor Party and the parties which we represent will understand why the Government has brought the measure forward in this way. I had intended to say "The difference in approach between the Government and members on this side of the House," but that is quite wrong as I am sure Mr. Medcalf would agree.

The Hon. I. G. Medcalf: Quite wrong.

The Hon. G. C. MacKINNON: Not all members of the Liberal Party are sitting on this side of the House. Perhaps I should have said, "from our side of Government." We believe legislation should be flexible so that it may grow and develop. The desire on our part to take full advantage of technical changes is clearly understood and well documented. The desire of those who follow the philosophy of the present Government to try to put everything into a Bill is also clearly known and well documented. The Minister will argue that his is the better method, but I would argue interminably and, I believe, incontestably, it is not the better method. I have tried to illustrate today that this kind of detailed legislation can lead to many loopholes.

There is something strange in regard to this legislation which I mentioned in answer to an interjection by Mr. Ron Thompson the other week. I suggest we should take the original legislation introduced by the previous Government and cut out of it all the vital points. The need exists for a director, who is Dr. O'Brien, and for a responsible person, who is the Minister. I am not suggesting for one moment that Dr. O'Brien is not responsible and when I use that word I mean a person responsible in the parliamentary sense. The need also exists for a department and a council. We must have a body to which matters may be referred and that body must have authority to operate.

If we were to take those provisions out of the old legislation and paste them over the appropriate provisions in this legislation, the difference would be remarkably slight. If we accept the authority is documented in this Bill whereas in the other legislation it was documented in other places so far as existing practices or habits are concerned, I suggest members will find there is a remarkable similarity between the two measures.

The other week I said to Mr. Ron Thompson that we should hand this measure to the *Reader's Digest*, which is expert at cutting out unnecessary words. If we were to ask the *Reader's Digest* to cut out everything which could be done without, the resulting measure would be almost indistinguishable from the legislation which has been labelled "toothless and useless."

The previous legislation would have worked, of course, because no penalty can be imposed on any business as great as closing it down. There is no penalty at all which is greater than this. A penalty of $1,000 may look good, but I am quite sure it would be not nearly as effective. As members may imagine, what we want is to keep jobs, industries, products, and income, whether it is local or overseas income. We want to keep all these things but still have a pleasant land in which to live. This is achieved by negotiation and understanding.

I sincerely hope we achieve this through this legislation. That is my sincere wish despite the clumsiness and the complexity of the council of the authority with its triumvirate. I thought the Government's memory would be longer than it is and it would not want a repetition of the three Commissioners of Railways. Apparently the Government wants this kind of situation again. The appeal board and many other factors are extremely complex.

I suggest members should take the trouble to look at the provision in the Bill which deals with interest.

The Hon. L. A. Logan: Pecuniary interest.

The Hon. G. C. MacKINNON: Yes, it appears on pages 13 and 14 in clause 26. The provision is absolutely unnecessary. School children would know all about this kind of thing. However it makes good reading and I am quite sure there are people who think it is marvellous.

I sincerely hope the various matters I have mentioned will be considered when we deal with the Bill in Committee. I hope the legislation will be considered in Committee on a broad basis so that amendments suggested by various members are accepted.

Despite all the criticism against the measure I believe we have waited far too long to get it off the ground and in operation so that people understand the rules by which they can run an industry, the rules by which they can work, and the rules by which industry is to be managed. In the hope that we will be able to amend some of the more diabolical provisions in Committee, I am prepared to support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [4.30 p.m.]: I also rise to support the Bill and in doing so I want to draw attention to one or two amendments which I propose to put on the notice paper. Unfortunately, one of them is not yet available from the Parliamentary Draftsman due to the fact that it was necessary to await an amendment which the Leader of the House put on the notice paper yesterday. As soon as that is available my amendments will be produced and made available to members.

We have heard a great deal about environment and pollution in the last year or two. In fact, "pollution" and "conservation" have become the fashionable words of the seventies. When I say that, I am not detracting from their importance; no-one appreciates better than I the need for environmental protection, which I have mentioned on a number of occasions.

In its original form, "pollution" meant the defiling of something. It comes from a Latin word meaning defile. A number of phrases have been based on the word "pollution." For example, there is noise pollution which refers to a noise nuisance; there is visual pollution which refers to something that is ugly; there is moral pollution which refers to obscenity; and there is psychological pollution which Mr. Clive Griffiths will recognise because it is said to refer to living in high-rise flats. Pollution is perhaps best defined as the addition by man of detectable deleterious substances to land, air, and water. I did not say "delectable"; I said "detectable."

"Conservation" does not mean preservation. I think that should be clear in our minds. "Conservation" means the widest possible use over a long term of all natural resources applied for the benefit of man; whereas "preservation" means preserving something in its present state for perpetuity or at any rate for a period. Conservation, nevertheless, is extremely important.

There is another word about which we hear a good deal lately; that is, "ecology" which has to do with conservation and is a branch of biology which deals with the interaction of living organisms and their surroundings. Conservation embraces the whole existence of man and the natural resources which are available to man. The most important of all natural resources is man himself. Man is the prime natural resource.

In connection with man himself it is interesting to look at the growth in world population over the period of recorded history. I have obtained these figures on good authority which I can quote if any member is interested. At about the time of the birth of Christ the population of the world was estimated to be about 250,000,000. When the Pilgrim Fathers set sail for America in the *Mayflower* in the year 1620 the population was estimated to be 500,000,000. The population had doubled in about 1,600 years.

In the year 1850 the population was 1,000,000,000. In other words, it had doubled again by geometrical progression in 230 years. In the year 1925 the population was 2,000,000,000, so it had doubled again in 75 years. It is estimated that by the middle of the 1970s—say, 1975—the population of the world will be 4,000,000,000, so that it will have doubled again in 50 years. There has therefore been a progressive doubling of the world's population; the first took 1,600 years, the second 230 years, the third 75 years, and the fourth 50 years.

One may well ask what the population of the world might be in the year 2000. I believe inspired guesses are that the population will not increase at the same rate, and that for various reasons there will be a decrease in the rate of increase. In other words, the population will increase at a slower rate, but by the year 2000 there will nevertheless be the best part of 6,000,000,000 people living in the world.

If this progression continues, the question is, of course: Where will it all end? From where will come the food—particularly protein—to supply all those people? This is a matter that has always interested me greatly. No doubt scientists can answer this question but I have always thought it strange that there should be such difficulty in marketing so many of our primary products when the world population is growing at such an astronomical rate. I would imagine this would create a demand for our primary products and that in the normal course we would be able to dispose of them to this surplus population. I cannot follow this, unless the reason is that so many people are not in a position to pay even the cost of producing our products. However, with this increasing population there should be continuing markets and continuing hope for our primary production if the standard of living of people can somehow be improved.

However, that is an aside to this discussion on environmental protection. The question is: From where will come the food and protein to feed this population? It has been suggested we could farm the sea; that instead of fishing the sea in the rather haphazard way we do at present sea farming could be carried on and, by deliberate stimulation of growth of more sea products, it would be possible to increase the production of the sea. There may be a way of enclosing sections of the sea. In this connection it should be noted that 90 per cent. of the sea is desert, just like the Sahara Desert, from the point of view of production of food.

The main sea foods—fish and similar sea life—are to be found in the estuarine waters adjacent to coastlines; hence the importance of not polluting coastlines and estuarine waters, because we would be thereby depriving future generations of the ability to farm the sea, which is perhaps the next main source of food production in view of the fact that there is bound to be a shortage of meat. There will be great quantities of starches and vegetable and cereal foods, but meat will be the main problem. Protein from the sea may make up the difference. Hence our interest in the subjects of conservation and pollution which are dealt with in this Bill.

Natural resources in the forms of water, plants, and animals are renewable, but some natural resources are not renewable. For example, fossil fuels and minerals are not renewable. We must conserve our resources of these nonrenewable materials.

We have become aware of the significance of polluted air. Great cities of the world have had polluted air for many centuries but we have now become aware of it and there is a cry or demand that the cities should have country-fresh air. This poses great difficulties because of vehicles, aircraft, and emissions from factories and industrial premises. Man himself—the greatest natural resource—is the greatest cause of pollution through his activities, the vehicles he drives, the fuel which those vehicles use, and the emissions which come from them.

Pollution is defined in this Bill. As Mr. McKinnon has already pointed out, a very wide definition of pollution is given on page 2 of the Bill. It reads—

> "pollution" means any direct or indirect alteration of the environment to its detriment or degradation;

There is also a definition of "waste" on page 3, which is as follows:—

> "waste" includes any matter or thing prescribed to be waste, and any matter or thing of whatever kind or in whatever form, which, if discharged, causes or is likely to cause pollution.

So there is a connection between waste and pollution. The definitions of "waste" and "pollution" and the clauses of the Bill are drawn in such a wide form that even smoking the humble cigarette could be included. I am not suggesting that the council would bother to prosecute anybody for smoking a cigarette, let alone a cigar or pipe; but I would say that the Bill is drawn in such a wide form that smoking could be included. If anybody doubts that I would refer him to clause 60, which states that where the authority considers that the discharge of waste by any person or body is causing pollution it may, where the discharge is not subject to control by any other statutory authority, require that person or body within such time as the authority specifies to cease or modify the discharge.

In other words, where the authority considers that the discharge of waste is causing pollution it can make certain requirements about ceasing the discharge of the waste. "Waste" includes any matter or thing prescribed to be waste of whatever kind or in whatever form. Therefore, it clearly includes the smoke a person blows from his mouth when smoking a cigarette. "Pollution" means to the detriment or degradation of the environment; and I have never heard anyone say that the smoke from a cigarette is particularly attractive.

The Hon. Clive Griffiths: All the more reason it should be included.

The Hon. I. G. MEDCALF: Well, it is included. I hope the commissioner does not take too strict a view of this, otherwise he will incur the wrath of a large percentage of the population.

The Hon. W. F. Willesee: I do not think you really think he would, do you?

The Hon. I. G. MEDCALF: I should not think he would. I hope the Government would have some influence in persuading him not to. I wonder whether the Government has any influence in persuading the commissioner after hearing the remarks of Mr. MacKinnon. I notice he has an amendment on the notice paper to provide that the Minister will be in charge of the authority. In other words, he is a little afraid that the authority might get away with it and start taking action in cases which are not, perhaps, as *bona fide* as they might be.

The Hon. W. F. Willesee: He is entitled to endeavour to make something abundantly clear.

The Hon. I. G. MEDCALF: Oh yes; we all try to do that.

The Hon. G. C. MacKinnon: That takes us back a few years, Mr. Willesee.

The Hon I. G. MEDCALF: The Bill provides in part II for the establishment of a number of bodies. An authority is constituted which comprises three persons—the director, and two others. Then there

is a council comprising the director and, I think, 13 others. There is also a department of environmental protection, the director himself, and various committees which may be set up at any time to consider various aspects of environmental protection. Finally, there is an environmental appeal board, which has a rather curious role to play in that it is interposed between the authority and Cabinet. It has a curious role to play because the authority when it functions may well have to answer to the environmental appeal board before the matter reaches Cabinet.

Many aspects are included in this Bill. I have read the debates which occurred in another place, and I note that a number of amendments were inserted in the measure. One could talk for a long time about the various aspects of this Bill. I do not propose to do that; but I could mention a number of rather unusual matters. For example, I could talk about a provision in the Bill which virtually requires a person to incriminate himself, which is unusual in English law. There is a principle in English law—which we in this country observe, of course—that a person is not expected to convict himself; that if he believes that something he is requested to say, or some information he is requested to supply, may incriminate him, he may object to giving that incriminating evidence. Therefore, he is not obliged to convict or incriminate himself.

However, under this Bill a person who is required to do so must give evidence and if he does not he is guilty of obstruction. So a person is required to incriminate himself under this Bill, which is rather unusual. However, I merely comment on that in passing.

I am taking this view on environmental protection for the reasons I have already indicated and for the reasons already indicated by the Leader of the House; that is, this matter is of such importance that it justifies the overriding of the principle that one is not obliged to incriminate oneself. I take it that the Leader of the House would agree with me that environmental protection is regarded as being so important that he is quite prepared to override this well-established principle. At any rate, that is the effect of certain clauses in the Bill.

In this connection I refer particularly to clauses 69 and 72. Clause 69 states—

> The occupier of any premises and any person in charge or apparently in charge of any premises shall furnish to any member of the Authority or any inspector all reasonable assistance and all such information that he is capable of furnishing or as required by that member or inspector with respect to the exercise of his powers and the discharge of his duties under this Act.

Clauses 68 and 70 also require persons to give all information that is requested. Clause 72 is the obstruction clause, and it says that a person who wilfully obstructs any person acting in the execution of this Act commits an offence against the Act; and a person who fails to give to any person acting in the execution of this Act any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by this Act to call for or may reasonably require, etc. etc., is treated as having obstructed that person.

It may be there are people who would say that is a good thing. I do not say it is, as I am instinctively against it. I am prepared to concede that environmental protection is a matter of grave importance to our society, and on those grounds I am not specifically objecting to this provision. I merely draw attention to it, and I assume that my views on this matter would be similar to those of Mr. Willesee who has put the Bill before us in this form.

The environmental council has certain duties to perform. Those duties chiefly include assisting the authority to work out various details, putting forward propositions to the authority, answering inquiries which the authority might make, etc., and generally assisting in matters of environmental protection.

I think clause 36 merits a little further attention. I refer to this clause because it seems to me that it is one of the major clauses in the Bill. It provides that the authority may, from time to time, by notice, put forward proposals on the policy to be followed with respect to any particular aspect or aspects of environmental protection or enhancement. Let us pause and consider what might be the proposals that the authority might put forward. I am merely guessing now because I am not an expert on this subject; but I would think perhaps that the proposals would embrace such things as proposals in relation to pollution; or pollution by a particular type of industry; or pollution of a particular area; or perhaps pollution of the metropolitan area; or proposals in relation to a stretch of coastline or river, or some other geographical feature which it is desired to preserve in its natural state. The term is fairly broad. Indeed, the authority can put forward any proposal on any aspect of environmental protection.

When we look at the definition of "environment" we see it includes just about anything which has an effect on man's enjoyment of his surroundings. I am not objecting to this; I am merely commenting on the definition. So, the authority can put forward proposals.

Let us see what happens to those proposals. They are to be published, and that is a very good idea. That means the people can be made aware at an early stage

of what is proposed in relation to a particular area. A public inquiry may be held where the Minister considers it desirable. Then if the public, or those with an interest in the matter, have some objections to the proposals they can appeal to an environmental appeal board which shall consist of three persons. All this happens before the proposals have any effect in law.

This is quite a sensible idea, because it safeguards the normal rights which every citizen should have. Let us take a concrete case: a person might feel he will be affected by certain proposals, and there is a likelihood that he will be put out of business, because it is proposed to clear an estuarine area of boatsheds. He could be a boat builder, and under the proposals he would have to remove his sheds.

In those circumstances he can appeal to the board. After the appeal board has had its hearing it can confirm the proposals, set them aside, or vary them; then finally the matter goes to the Governor—in effect, it goes to Cabinet.

Clause 39 states—

> (1) Where a proposal has been prepared by the Authority in accordance with this Part, and any relevant appeal and revision procedures have been completed, the Authority shall submit the proposal to the Governor for approval.
>
> (2) Unless and until published in accordance with subsection (3) of this section, a proposal shall be construed only as notification of intent and is of no other effect in law.
>
> (3) The Governor may, by declaration published as a notice in the *Gazette*, approve a proposal submitted to him . . .

The Governor may, but he does not have to approve a proposal. Therefore he can reject it. However, no provision is made for him to vary the proposal, and this is an aspect which has already been commented on by Mr. MacKinnon.

I do not think this is an oversight; I think this is the way in which the legislation has been drafted. The authority makes a proposal, and Cabinet either accepts or rejects it. If Cabinet rejects the proposal, the matter has to commence all over again. The authority can put forward another proposal, and go through the whole course of events—of publication, if necessary the holding of a public inquiry, appeal and so on, until the proposal is submitted to the Governor.

To me this is a good theoretical approach, but I wonder how practical it is. To me it smacks of a theoretical approach put up by some environmental expert who has read many articles on the subject and finds this to be the ideal way of proceeding. In fact, is this the ideal way to proceed? Would it not be better for Cabinet to be given some powers of variation and modification at the end of the line? After all, Cabinet has to answer to the public for these matters, and it would not lightly tamper with any proposals submitted. If it did it would have to face the consequences.

The Hon. G. C. MacKinnon: You have made a very good point in referring to the difference between the theoretical and the practical approach. This is an excellent avenue to enable action to be taken in relation to political vicissitudes.

The Hon. I. G. MEDCALF: One Government might reject certain proposals, but the next Government might accept some of them. In the meantime there is nothing to determine what is to happen. Under this legislation there will be no interim orders as there are under town planning. There are to be no interim environmental orders.

The Hon. W. F. Willesee: The proposal to reject in part is a good one. I do not know whether we are given this power under the clause you mentioned.

The Hon. I. G. MEDCALF: The Government cannot reject in part. It can either approve or reject.

The Hon. W. F. Willesee: I would like to see the power given to enable us to amend, but we should have the right to accept or reject. I agree with you there is a doubt.

The Hon. I. G. MEDCALF: What perturbs me slightly is that a backdoor method is available whereby the authority can circumvent Cabinet. I am not sure whether Cabinet appreciates this point. I hope I will not be thought to be too brash in putting this point forward. It is obvious that nobody is prepared to pay me for giving this advice, so I will give it for nothing!

The Hon. W. F. Willesee: The Christmas spirit has really got you.

The Hon. I. G. MEDCALF: A proposal can be put up, and Cabinet can reject it under clause 39. However, under the provisions in clauses 59 and 60 the authority could turn around and effectively do the same thing; because the provisions in those two clauses give the authority almost unlimited power in relation to the discharge of waste, which is the same thing as causing pollution.

If we turn to clause 60 we find it states—

> (1) Where the Authority considers that the discharge of waste by any person or body, not being a permit holder, is causing pollution, it may where the discharge is not subject to control by any other statutory authority, in writing,—
>
> (a) require that person or body, within such time as the Authority specifies, to cease or modify the discharge;

This might relate to a proposal in regard to pollution which has been rejected by Cabinet.

Under clause 60 the authority itself has power to consider and make up its own mind on whether a person or body is discharging waste; or is causing pollution. In my opinion, the smoking of cigarettes is a cause of pollution. So, it means the authority has available a backdoor method. It can determine that a particular person or body is causing pollution irrespective of what Cabinet has done about the matter. Perhaps that answers one of the questions posed by Mr. MacKinnon as to who will be making the decisions.

Under the Bill the authority is given very wide powers. I think public opinion would agree that the authority should be given very wide powers to safeguard against pollution; but we hope those powers would be exercised in a rational, practical, and sensible way. Where very wide powers are granted, there is sometimes the temptation to use them more widely than they should be used. This would apply particularly if the person in control was inexperienced, or did not appreciate some of the problems of everyday life.

The Hon. W. F. Willesee: Does the honourable member think that clause 39 deals with an initial proposal, and that clauses 59 and 60 deal with a continuing situation?

The Hon. I. G. MEDCALF: I think the clause will deal with final proposals. I think they are meant to be broad proposals, such as the pollution of the metropolitan area, or pollution of the Swan River.

The Hon. W. F. Willesee: Or something to be initiated?

The Hon. I. G. MEDCALF: Not only the initation of them; that is, firm proposals which will operate in an area for the future, whereas clauses 59 and 60 are continuing clauses which will be able to operate tomorrow.

The Hon. W. F. Willesee: Where something becomes apparent.

The Hon. I. G. MEDCALF: I merely draw attention to that fact. I do not propose to quarrel with it because that is what the Government desires. I hope the authority will be really careful of its tremendous power, of which it should be jealous, and it does not use that power unnecessarily. On the other hand, I want to see the authority use its powers where necessary, and there are many instances where pollution must be controlled. I suppose we have to take a little risk.

Considering the question of pollution, I want to draw attention to one other point; and that is the matter of compensation. There has been no mention of compensation during the debates in this House, and I did not see any reference to compensation in the debates which took place in another place. There was no reference in the second reading speech of the Premier in another place or in the speech made by the Minister in this House. I might say there was a considerable difference between the two speeches.

The Hon. G. C. MacKinnon: A marked difference.

The Hon. I. G. MEDCALF: I want to draw attention to the point I raised concerning the man who owns a boatshed. What will happen when he is told to move his boatshed and he is put out of business? There is no provision for compensation. I think this is an oversight because I cannot believe the Government intended to confiscate such a business.

Let me draw a distinction. I can well understand that if someone is polluting the atmosphere, the Swan River, or Cockburn Sound there would be no sympathy for him. If he is causing pollution, one would not be disposed towards paying compensation. However, I am not referring to that type of case, but to the effect of proposals in relation to the environment which might have nothing to do with pollution. It might be decided that a certain area is to be kept as a nature reserve, and everyone living in the area would have to get out. What will happen to a person who is entitled to compensation? Is that situation any different from that which applies under town planning schemes? If property has to be resumed for town planning purposes the owner has the right to compensation under the Public Works Act or town planning legislation. It is elementary.

I think the provision for compensation has been overlooked because I do not believe the Government intended to confiscate the rights of the people to compensation. If there is some provision in the Bill for compensation I shall be delighted to be corrected.

The Hon. G. C. MacKinnon: The honourable member is referring to a situation such as would exist if it were decided that Herdsman Lake would no longer be drained, but allowed to flood to provide a water reserve? That would be an example?

The Hon. I. G. MEDCALF: Yes. There are any number of examples because the environment is all embracing. It includes the sea, the sea bed, the land, rivers, mountains, trees, the air, and the water. I am sorry to be so tediously repetitious but I am afraid it is just as important to compensate someone who may be a victim of this legislation as it is to compensate someone who is a victim of society. This applies whether the person is injured in a traffic accident, or whether that person is forced to remove his business premises for the common good.

People who are forced to do things for the common good are normally compensated. They may not get what they think their business is worth, and they rarely get what they believe is the value of their land. There is usually some argument, but

there is provision for compensation under the Public Works Act and under various other Acts.

If we decided tomorrow to resume land to enlarge the Causeway, the people affected would be compensated just as people were compensated when the Causeway was enlarged a few years ago. In the same way if proposals to improve the environment adversely affect some people, those people—who are quite innocent—should be given compensation.

I can give an example of the type of person about whom I am talking. The category of people who can appeal is laid down in the Bill. Clause 43 of the measure states that certain people who have cause to be aggrieved can appeal against proposals. Subclause (3) states that a person or body is deemed not to have cause to be aggrieved by a proposal unless the board is satisfied to the contrary, or the board is satisfied that the appellant carries on a business which is or is likely to be affected by the proposal, or resides in the particular area to which the proposal relates. And so the clause goes on. In most cases the people referred to will actually have an economic interest in being in the situation but there is no provision for them to receive any compensation if they are affected by a proposal.

There is provision for them to object to the proposal, and I want to make that point clear. People can object to a proposal and the environmental appeal board could agree with the objection and throw the proposal out of the window. That situation is covered and that problem would have been overcome. However, if the appeal board rejects the appeal and accepts the proposal, there is no provision for compensation. There is nothing to say that the confiscation of property or land will be compensated. There is no provision for a claim for compensation against the Crown as appears in the Public Works Act.

Before leaving the subject of pollution I want to mention something which even more adversely affects an appellant. I have mentioned the man who might own a boatshed and a proposal for that area could mean that the boatshed would have to go. That might be a good thing for the environment, but it would mean the loss of a business. The person likely to be affected by the proposal will be able to appeal to the appeal board. However, at the appeal stage clause 45 of the Bill takes away the right of appeal if the authority does not want it to go on. Clause 45 of the Bill reads as follows:—

> 45. (1) An appeal to an Environmental Appeal Board is commenced by giving notice, including the grounds of the appeal, in the manner prescribed to the Authority and to such other persons and bodies as are prescribed.
>
> (2) Within fourteen days after receiving a notice under subsection (1) of this section the Authority may, by giving notice in the prescribed manner, object to a Board hearing the appeal on the grounds that upholding the appeal would be contrary to environmental protection principles, in general or in respect of land the subject of the appeal, and would tend to prejudice the public interest, or that the appeal is frivolous or vexatious.

That is the end of the exercise because the appeal board objects. A person might have a boatshed in a situation which is contrary to a proposal so that person will not be able to proceed with his appeal. Cabinet can then examine the situation and agree that that is the end of the appeal. It will not be heard or determined by the board.

There might be very good reason for that provision and the authority could be quite right in saying that somebody should not be allowed to upset the proposals of Cabinet. However, what about the loss of the business, and what about some compensation? An affected person will not be able to get to the board to make an appeal.

I am not objecting on environmental protection grounds. There will probably be strong reasons for enforcing environmental laws. However, I am objecting to the fact that there is no provision for any compensation.

The Hon. R. F. Claughton: The board would have to sustain the objection.

The Hon. I. G. MEDCALF: Yes, no doubt the board would be required to convince Cabinet that an appeal could be contrary to environmental protection principles.

The Hon. R. F. Claughton: Could it be brought to Parliament?

The Hon. I. G. MEDCALF: No, the appeal could not be debated in Parliament. Under the environmental protection legislation a declaration will be made by Cabinet. That decision can be debated during the Cabinet meeting. Cabinet will simply make a declaration.

I think the lack of provision for compensation is an oversight and I earnestly hope the measure will be amended in the near future to grant compensation. If it is not an oversight then I am astounded.

I intend to move two amendments to the Bill and I will draw attention to them in general terms at the moment. My first amendment deals with clause 63, which is the publication clause. The clause states that the authority may publish the result of any analysis. The analysis is one made to determine the nature of pollution or waste. The authority will not be liable for publishing the results of the analysis.

Any newspaper may reprint any report and it will not be liable in any way. The name and address of the person owning the business concerned will also be published, as well as other various details. Proceedings will not have to be taken; the authority will simply publish information and the person concerned may be quite innocent.

The information published may only be a statement that the pollution level was such and such, but that publication may do damage. My amendment seeks to add a subclause and it reads as follows:—

> (a) Where the Authority has published the result of an analysis and a Court is satisfied that the publication of the result or any particular, explanation or comment has prejudiced the proper determination of any proceeding under this Act the Court may dismiss the proceeding.

This is a simple amendment which, I think, should commend itself to members, because it would be fair to a person whose trial may be prejudiced by the publication. If the trial were not prejudiced by the publication then it is not affected. It is a normal principle of law that one does not publish before a trial those things which might prejudice such trial.

The other amendment I propose is to clause 68 which deals with trade secrets. This is merely complementary to amendments which were inserted in clause 70 by the Premier in another place and also to amendments to clause 70 which the Leader of the House has on the notice paper.

The effect of the amendments inserted by the Premier and of those to be inserted by the Leader of the House to clause 70 is that if one has a trade secret the Minister or a judge must be satisfied that it is a trade secret after which one is exempt from giving information.

Clause 68 is in much the same terms as clause 70 and I think this point was overlooked when clause 70 was amended. I feel that clause 68 should be amended in the same way.

With those comments I indicate my support of the Bill and I ask the Minister whether he would be kind enough on a future occasion to draw the attention of the Government to this matter of compensation and to one or two other aspects of the Bill which I have mentioned.

THE HON. F. R. WHITE (West) [5.17 p.m.]: I intend to speak only briefly on this Bill, mainly because of my disappointment with the legislation itself. I feel the previous legislation had far more teeth than the measure before us. To my way of thinking the present legislation is rather permissive in nature; it does not make it obligatory for the council to bring forward reports.

During his speech Mr. Medcalf referred to clauses 36 and 60 as being two clauses in which the word "may" is used when referring to the functions and duties of either the authority or the council. This makes the whole thing purely permissive. Very rarely do we see the use of the word "shall"; that this shall be done, that that shall be done, or that something else shall be done.

What concerns me very much is that we are setting up an authority of three persons and a council of 14 including a director; in addition to which we are establishing a Government department.

If a problem is presented to the authority it would be logical to assume, if it is a major problem, that the authority would refer it to the department which will carry out all the necessary investigations. But the authority should also refer the matter to the council, and the council too should carry out all investigations, after which the evidence and information should be referred to the authority itself, and the authority of three persons should then make a decision.

Nowhere in this legislation can I see a provision for this to be done. An expensive Government department is being set up together with what will be an expensive council, plus an authority, and yet we find the authority may, if it so desires, utilise these other two bodies; and the authority may, if it so desires, then make appropriate reports.

I feel this is a grave weakness. If there is a matter which arises and which requires determination of an overall policy on pollution of our environment I feel the authority should be told that it shall make the approaches to the council; that it shall also make use of its department; and that it shall utilise this information before it makes a report.

To my mind the greatest weakness in the Bill is its permissive nature; that it has no teeth, and that too much use has been made of the word "may" and too little use has been made of the word "shall."

I support the Bill because I have no alternative; there is nothing to replace it. The legislation which this measure seeks to replace had far more teeth, as I am sure members will agree.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.21 p.m.]: I thank those members who have spoken to the Bill for their contributions; they have been most constructive. It is obvious that the measure will develop into a Committee Bill because of the material that is available.

Mr. Medcalf's remarks were particularly interesting to me. He pointed out several probabilities with regard to the legislation as he saw it. I am somewhat disturbed on

the point he raised in connection with compensation. Members will appreciate that I have not the opportunity to give an authoritative answer to the matters raised by Mr. Medcalf in regard to compensation; though I will certainly take this up with the Minister concerned at the first opportunity I have and will supply the House with the information required before the Bill is read a third time.

The Hon. R. F. Claughton: I think you will find the same situation exists in the Clean Air Act.

The Hon. G. C. MacKinnon: I did not hear that interjection.

The Hon. W. F. WILLESEE: Mr. Claughton said that the same situation exists with relation to the Clean Air Act, though I do not know whether compensation obtains under that Act.

The Hon. G. C. MacKinnon: You cannot make the same sort of orders under the Clean Air Act.

The Hon. W. F. WILLESEE: Mr. Medcalf and Mr. MacKinnon mentioned clauses 60 and 61 but I think the amendments we propose to move will clarify the position and remove any doubts that might exist at the moment.

I am sorry that Mr. White disapproves of the use of the word "may" and that he would prefer a greater use of the word "shall." I am rather surprised he came to the conclusion that the Bill before us does not have as many teeth as its predecessor—I hate to use the word "teeth" and this should please Mr. MacKinnon.

In view of the fact that there are amendments still to be placed on the notice paper I will delay the Committee stage of the Bill until such time as we can look at the suggested amendments and be in a position to debate them.

Question put and passed.

Bill read a second time.

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st December.

THE HON. G. C. MacKINNON (Lower West) [5.25 p.m.]: This is another Bill which I intend to support. Clause 3 of the Bill seeks to make additions to section 15B of the principal Act. This will resolve a very long drawn-out argument; particularly as it concerns people who have taken up land over the years, because it will now allow people to take all marketable timber on land which might be held under a Crown grant, under a conditional purchase lease, or under a conditional purchase license.

Like most such things there are always two sides to the argument. It is understandable that it should be late in the day before such a conclusion is reached by the Government, because for many years land was sold very cheaply although the timber was not included in such sales.

Over the years, however, the State has lost a tremendous amount of saleable timber because quite a quantity of it would have been destroyed by the farmer. He had this right; and it is exactly what he would do if the timber were fairly thin and not of tremendous value.

I have lived in the timber country for many years and for as long as I can remember the argument to which I refer has been going on. Successive Governments have tried to ease the situation and we hope the matter has now been resolved.

The Hon. L. A. Logan: Which Bill are you dealing with?

The Hon. G. C. MacKINNON: I think I am on the right Bill; it is No. 40.

The PRESIDENT: My record shows that No. 40 is the Land Act Amendment Bill.

The Hon. G. C. MacKINNON: I think I am on the right one. The second aspect contained in the legislation was to ease the payment of rents on leasehold properties in pastoral areas. The provision makes it possible for the Government to waive certain rents which the pastoralists have been unable to pay for one reason or another.

This has now been extended to include fines and to give the Minister more flexibility in the matter of the limit that is imposed. The question I raised—and this was answered by the Minister in another place—was that concerning fines imposed for nonpayment of rents. This was satisfactorily explained by the Minister when he stated it was not necessary for such fines to be followed up.

This is satisfactory, because if the owners of the pastoral properties are not in a position to pay the rents they would hardly be in a position to pay the fines imposed, because of the nonpayment of those rents.

A further aspect dealt with in the Bill is the provision which arranges for improved planning in pastoral properties to be reached over a period of five years, because conditions change over the period which these leasehold properties are held. This is a reasonable proposition and is welcomed by the pastoralists in the areas concerned.

Clause 6 of the Bill provides a further easing of the problems of the pastoralists in that if they have suffered personal hardship as a result of economic conditions which in the opinion of the Minister warrant the rent or part of it being deferred, cancelled, or refunded as the case may be, the Minister may take such action as he thinks necessary.

I am quite sure this Bill will be welcomed, particularly by the people in the area so ably looked after by Mr. Berry

and his recent partner, Mr. Dellar. The first part of the Bill will be welcomed by people in the south-west, which is the predominant timber-producing area of the south. I support the Bill.

THE HON. V. J. FERRY (South-West) [5.30 p.m.]: I support this Bill with a great deal of pleasure, and more particularly the clause dealing with the transfer of timber rights to the owners of alienated land, including conditional purchase and freehold land.

Over a period of several years this Chamber has heard the merits or otherwise of reserving indigenous timber for the use of the Crown rather than for the express purpose and complete benefit of landowners. For a number of years I have held the view that indigenous timber rights should be made available to landowners rather than reserved to the Crown. This provision assisted the State in bygone days, but several years ago a point of no return was reached when the Crown should have relinquished its rights so that the landowners would benefit. Initially timber was reserved for Crown purposes and the State could benefit. However, the State also lost because a tremendous quantity of timber was destroyed through clearing operations—just for the sake of clearing property. This timber was never regrown. Our timber industry will be the richer by having the rights made available to landowners so the timber can be farmed in the same way as other produce is farmed.

I happened to be on the committee studying forestry matters for the Liberal Party for several years. Following a recommendation of this committee, Sir David Brand indicated prior to the last general election that if his Government was returned he would undertake to see that timber rights would be made available to the owners of private properties. I am particularly pleased to see that this Government has recognised the merit of this measure and is introducing the legislation at this time. I congratulate the Government in recognising the need.

I realise that there are many people, particularly in the heavily timbered country of Manjimup and Pemberton, who will welcome this means of augmenting their income. Some of these properties in the Pemberton area contain stands of karri timber suitable for electric cable and light poles. There has only been a limited market for a time and some of this timber has been destroyed when the land was cleared for other uses. The cost of clearing this land is enormous—it can be in the order of $200 an acre or more. This type of timber is very thick and tall, and there are many trees to the acre.

When timber of this type is felled a large stump is left. This stump can only be removed by blasting with explosives. Hitherto the small royalty which has been available to the landowner has been quite insufficient to offset the cost of clearing such land.

In many cases the situation will now be that the owners of timber will retain the stand for future use—they will not be in a hurry to clear it for other purposes. The timber will be allowed to mature and the landholders will know that they will reap the full monetary benefit when it is sold. The landowners will become foresters in their own right and engage in tree farming. This will assist not only the timber industry but also the landowners themselves.

One could say a lot regarding the timber industry in this State. However, I do not think this is the time to do so and I conclude my remarks by reiterating my support of the measure.

THE HON. G. W. BERRY (Lower North) [5.36 p.m.]: I rise to support the Bill. The subject has been well covered by Mr. MacKinnon, but there is one point I would like to bring to note, and that is regarding the requirement for the pastoral lessee to furnish a return of the improvements to be effected every five years. The lessee is required to submit a development plan for 45 years hence; that is to the year 2015.

The Leader of the House said this in his second reading speech—

> Developments in many fields, including land utilisation and management, render it desirable to review pastoral development plans from time to time to ensure that the leases are being used to best advantage. Authority is therefore sought in clause 5 of the Bill to limit the duration of a development plan to five years and to require revised plans at the end of each five-year period.

I am concerned about whether the department will take any notice of this five-year plan when it is furnished. Will the department have time to peruse all the plans? It would be in the interests of all concerned if the lessee were required to furnish the plans at the Minister's request, on the recommendation of the Pastoral Appraisement Board. I support the Bill; it is a measure which is long overdue.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.38 p.m.]: I thank members for their support of this Bill. Mr. Ferry elaborated on the timber situation, Mr MacKinnon gave a general coverage, and Mr. Berry feels that the five-year review may be harsh upon individual pastoralists.

There is not a great number of pastoral leases and I feel it would not be a hardship on each lessee to submit a five-year plan. This would enable the Lands Department to keep a close check on the situation and it would be able to judge

whether plans submitted were capable of being carried out. There is no need for concern over any of the provisions in the Bill. However, I thank the honourable member for his observations and the attention he has given to this matter. 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. W. F. Willesee (Leader of the House), and passed.

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st December.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.42 p.m.]: This Bill, explained by the Minister, intends to increase the annual rental on mineral leases from 50c to $2 an acre. The Minister also explained that the annual rentals on dredging and mineral claims are to be increased from 25c to 50c. This increase will be effected by way of regulation.

It would have been of assistance to the House had the Minister been able to give some indication of the extra revenue this will bring to the State Treasury.

The increase from 50c to $2 an acre on mining leases was one of the recommendations in the report of the committee set up last year to inquire into mining. However, the Bill before us does not give full effect to the recommendation of the committee, as the report included other features. For instance, all minerals were to be included rather than listed separately as they are at the present time. I do not recollect precisely how many mineral claims were in existence six or eight months ago, but I do know in the last year of my term as Minister for Mines the Mines Department was extremely busy. If I remember correctly, there were something like 40,000 or 50,000 mineral claims in existence at that time.

It can be seen that the income of the Government from mineral claims and leases is to be doubled by one stroke of the pen in the case of mineral claims, and to be increased more so in the case of mineral leases.

I do not want to create the impression that the income of the Government will be doubled from this source henceforth, because it is only natural that when an impost of this nature is made upon people who hold a considerable number of minerals claims and, to a lesser extent leases, they will shed many of their mineral claims in order to avoid the impost of paying this sort of rental. However, I still think it might have been possible for the Government to give us some idea of the increased amount of income the Treasury will receive as a result of these increases.

The provisions in the Bill are quite simple and I have no intention of opposing them. The rentals on mineral claims and leases have not been increased since the inception of the Act and so it is about time they were increased. Nevertheless, I do not think the increases should be of such a degree that an industry such as the mining industry should have unnecessary burdens placed upon it, despite the fact that it is prosperous in some fields. The Minister for Local Government, of course, knows that he represents a part of the State which embraces the goldmining industry which, at the present time, is not by any manner of means in a prosperous state. I would only be labouring the question if I spoke any further. I propose to support the measure and to satisfy myself with the remarks I have made.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.47 p.m.]: I thank the Leader of the Opposition for his contribution to the debate. The Bill was readily accepted in another place. On looking through my notes, I cannot see any estimate given as to the revenue that will be raised as a result of the passing of this Bill. However, I will endeavour to obtain that information during the tea suspension and if I am successful I will pass it on to the Leader of the Opposition. With those few remarks 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. R. H. C. Stubbs (Minister for Local Government), and passed.

ABATTOIRS ACT AMENDMENT BILL (No. 2)

Second Reading: Defeated

Debate resumed from the 2nd December.

THE HON. G. C. MacKINNON (Lower West) [5.50 p.m.]: I hope the House continues to make the progress it is doing and I do not see why we should take a great deal of time to deal with this Bill, because I intend to oppose it unequivocally. No amount of argument will convince me that the principle enunciated in the Bill is desirable.

Of course, it is a matter on which Ministers will expect such an attitude. It is a question of policy so far as they are concerned, but not so far as I am concerned. The Bill is perfectly straightforward in that regard. The argument put forward in favour of the Bill is, of course, that by having a workers' representative on the management we will, presumably, get better and more amicable management and therefore we will get better killing arrangements, other procedures will be carried out more efficiently and, in the long run, we will get cheaper meat. Theoretically this sounds feasible, but practically it is just not possible.

There are as many techniques involved in management as there are in slaughtering. The two matters are entirely different. Management requires special training and a set line of progress towards that training by making decisions and carrying them out. The question of arrangements for the workers is one which is completely separate from management and is handled in a completely separate way. This is an important principle, and to exemplify this principle I wish to refer to a newspaper cutting of a report on a strike which occurred at Gepps Cross Abattoir where, in fact, a workers' representative is on the management board. The headline over that article which appeared in the Adelaide *Evening News* of Friday, the 19th November, 1971, was "Meat Strike Will Go On." No doubt the continuation of that serious strike will increase the cost of administering that abattoir.

I am not raising these points in the sense that it is a case of the worker *versus* the employer, because I have been both. I have been a financial member of a union, so I know what I am talking about. I do not want anyone trying to teach me to suck eggs in that regard unless he has been in the same situation himself; that is, has been both a worker and a financial member of an industrial union, and at some other time in his life has been an employer. I can speak with authority on the subject.

Management involves a technique which needs to be learnt, studied, and understood and, for its proper exercise, requires a responsibility which the position creates. I do not believe there is any merit in the Bill and for that reason I have every intention of opposing it.

THE HON. L. A. LOGAN (Upper West) [5.53 p.m.]: Like Mr. MacKinnon I do not think there is any need to say much on this Bill, because I also intend to oppose it. Just recently, the members of my party have been able to examine a report on this subject of union representatives acting on boards, not only in Australia but also overseas. It so happened that the report was unfavourable towards this type of representation; that is, where an employee of the union was placed in the some category as the management.

It seems rather strange to me that the introduction of this measure was made after hearing so many reports about what a wonderful job the Abattoir Board is doing at present. Everywhere one goes one finds that the Minister and many other people are lauding the job the Abattoir Board is doing. Now this Bill seeks to alter the existing set-up. What is more, the Bill does not specify from which particular union the workers' representative shall be drawn.

The Hon. G. C. MacKinnon: I can just imagine what a good old bubble there would be.

The Hon. L. A. LOGAN: The representative of the workers on the board could be anybody. I understand that only recently the union, the T.L.C., and the Abattoir Board came to agreement on a code of ethics. If both the workers and the management adhere to that code of ethics there is no need for any strike to take place, and there is no need for the legislation to be altered.

So far as I can see there is no need whatsoever to alter a set-up that is working efficiently at the moment. Everyone recognises that the management is doing a first-class job, and in those circumstances I intend to oppose the Bill.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [5.58 p.m.]: I had not intended to speak on the Bill, because when I studied it I thought it contained such a sensible and desirable principle it could not possibly meet with any opposition.

The Hon. G. C. MacKinnon: I would like to know where you have been living.

The Hon. L. D. ELLIOTT: However, I was surprised to hear the views expressed by Mr. Abbey last week when he used such a term as "dangerous principle" and said the Bill would set a precedent that would be totally unacceptable to the producers' representatives and their organisations.

This amazes me because I have in front of me at the moment a list of 31 boards or committees, all of which are associated with the primary industry. On each one of these boards farmers are represented. I consider this to be very sound, and I think everyone would agree with me that primary producers should be represented on boards and committees that have a large say in the marketing or handling of their products. In fact, it is the policy of the Labor Party that not only should there be one representative of farmers' organisations on these boards, but a majority of producers' representatives should be on them.

If in the primary industry it is desirable to have representatives of farmers appointed to such boards, why is it so wrong

for the workers' representative to sit on a board of management which has a vital say in the industry in which they are engaged? This is not a new principle and I cannot see that it is a dangerous one. It is a principle that is already firmly established, not only in this State and throughout the Commonwealth, but also overseas. For example, in this State we have a workers' representative on the State Electricity Commission, the Fremantle Port Authority, and the State Housing Commission. They are only a few I could mention.

I have not noticed that those boards or commissions have engaged in any irresponsible activity or made any irresponsible decision as a result of having a workers' representative as a member. The late Harold Holt, when Commonwealth Minister for Labour some years ago, set up the National Labour Advisory Committee, because he recognised that many points of view in industry should be heard and consideration given to them. On that committee there were representatives of primary industry, of commerce, of the workers, and the Government.

In the Scandinavian countries and in West Germany they realise the importance of worker-participation in management. In fact, in Sweden they have gone so far as to establish workers' colleges so that those engaged in industry can learn the economics and intricacies of the particular industry in which they are engaged and thus understand the impact that any stoppage or strike will have on the industry. I think this is very sensible.

The Hon. G. C. MacKinnon: You are not trying to imply that the West German system of unionism is the same as the one we have here?

The Hon. L. D. ELLIOTT: I am merely saying that worker-participation in management is sensible. I cannot see anything wrong with it, and we are not seeking to introduce any new principle with this Bill.

If it is right for primary producers to have a representative on the various boards and organisations connected with their industry, it is also right for workers to be represented on boards such as the Abattoir Board. Since 1964, 24 major stoppages have occurred at the Midland Junction Abattoir. I agree that not all of these stoppages could have been avoided if a workers' representative had been on the board of management, but surely many of them could have been prevented because the strikes were as a result of technical problems on the floor of the abattoirs which those on the board of management would not have understood.

On the board are a producers' representative, a butchers' representative, and a consumers' reprementative who is, I understand, a chartered accountant. Can anyone tell me these people would really understand what it is like to work on the floor? Have they ever done so, and thus realised the anomalies and inadequacies which are the cause of these disputes? If a workers' representative is appointed to the board he would be only one of four and would therefore be in the minority.

The Hon. J. Heitman: He would need to be.

The Hon. L. D. ELLIOTT: However, he would be able to provide the board with information concerning the men's ideas on the problems which arise. I am sure that in the long run this could prevent a number of disputes. Surely many of our industrial problems are the result of a lack of communication and understanding between management and labour; and it is sensible to have those who play such a vital part in the industry represented on the board so that their point of view can be made known.

Mr. Abbey said that if a workers' representative were appointed to the board the workers would be entitled to expect him to protect their interests. What is wrong with that? Section 12 (2) of the Act reads—

> The Board shall consist of three persons appointed by the Governor as members, of whom one shall be a Chartered Accountant and shall have regard to the interests of consumers of meat; one shall have regard to the interests of butchers; and one shall have regard to the interests of producers of meat.

What is wrong with one having regard for the interests of the workers who are playing such a vital role in industry?

The Hon. C. R. Abbey: Why not a monthly consultation between workers' representatives and the board? This is proving adequate.

The Hon. L. D. ELLIOTT: Why would not a monthly consultation with the consumers' representative, the butchers' representative, or the producers' representative be adequate? The labour component is just as vital as, say, the primary industry, the butcher, or the consumer. Mr. MacKinnon stated that the workers are not trained in management.

The Hon. G. C. MacKinnon: Any more than the managers are trained in slaughtering.

The Hon. L. D. ELLIOTT: Are farmers trained in management?

The Hon. G. C. MacKinnon: Quite frequently.

The Hon. L. D. ELLIOTT: How do we know workers have not furthered their studies and are just as capable of presenting an intelligent point of view as a farmers' representative?

The Hon. G. C. MacKinnon: I was not talking about points of view.

The Hon. L. D. ELLIOTT: The point is that the workers will have sufficient qualification to make a contribution.

The Hon. G. C. MacKinnon: It is dubious.

The Hon. L. D. ELLIOTT: I disagree with this.

The Hon. G. C. MacKinnon: You had better make that clear. It sounded as if you agreed.

The Hon. L. D. ELLIOTT: I disagree with the honourable member always, or nearly always.

I am not suggesting that by appointing a workers' representative to the board all disputes will be automatically prevented and all problems automatically solved; but surely the appointment must prevent some of them and it will establish a valuable communication between all sections engaged in the industry so that a better understanding of each one's point of view is obtained. I support the Bill.

Sitting suspended from 6.05 to 7.30 p.m.

THE HON. R. J. L. WILLIAMS (Metropolitan) [7.30 p.m.]: I would like to thank Miss Lyla Elliott for proclaiming her principles so prettily. It was a very good speech and, in point of fact, this whole Bill would be very good if it were published and brought into this House in 10 years' time. At the moment it would be an ineffective piece of legislation.

I do not think we in Western Australia should ever persuade ourselves that we are a great industrial force. I have said it before and I will say it again: We are not. We do not come anywhere near what can be termed mass production. In point of fact if members look at our industries they will find we are almost at the cottage stage of industry. Perhaps we are not quite at that stage but have advanced a little.

The measure before us proposes to do something which is not even successful in the United States of America and other more highly sophisticated countries in the world so far as industrial relations are concerned. Industrial relations in Western Australia are very bad indeed. This is because people have not done sufficient study on the subject. A great deal more training is necessary before we can strike the harmonious level of industrial relations which the three parties in this House would like to see.

I read an article in *The West Australian* on Thursday, the 2nd December, under the heading, "Budget aid for union training." I applaud the move. The article reads as follows:—

> The State Cabinet had provided $5,000 in the budget to be made available to the trade union movement for training purposes, the Minister for Labour, Mr. Taylor, said in the Legislative Assembly.
>
> It was to be spent at his discretion.

I have no doubt he will spend it wisely. It is important to note what follows; namely—

> The aim was to assist trade unionists at both the membership and leadership levels to equip themselves better educationally.
>
> The Government hoped that the scheme would assist in industrial relations.

The article continues, but I shall not quote any more because it is irrelevant to what I wish to say. When I made my maiden speech in this House there was a dawn of hope that an industrial training scheme would be instituted by the Commonwealth which would include the States. This has come to fruition but, as is usual, so far as the first two courses for training officers are concerned, one will be held in Melbourne and one in Sydney. Probably next year one will be held in Sydney and one in Melbourne. Nothing will be done for the State of Western Australia. We will have to go it alone.

We find in front of us this evening a piece of legislation asking us to jump 20 years in industrial relations. To whose discomfiture will this be? It will not be to the discomfiture of the board or manager, but I suggest it will be to the discomfiture of the union representative on the board, because he will not be equipped. He will have to learn twice as fast; he will have to work twice as hard; and he will be the one to leave board meetings with the bumps and bruises.

Why bother to change a situation which, at the moment, is going along extremely well? In case I mislead the House, let it be said straightaway that if trade unions in Western Australia are not ready for this neither is management. We do not have 100 per cent. effective management. Until trade unions and management alike are properly trained they will not be able to combine with harmonious results.

The Hon. R. Thompson: Trade unions may teach management a thing or two.

The Hon. R. J. L. WILLIAMS: Quite possibly, and I take the point. By the same token trade union representatives must attend school before they are pitchforked into a situation of experiment.

Until last year when the new general manager was appointed the situation which existed at the Midland Junction Abattoir was absolutely disgraceful. It is only necessary to approach any member of the Country Party and ask what was the effect of the numerous succession of strikes on the rural industry. Do not tell me that by putting a union man on the board those strikes would have been solved overnight, because I am sure they would not have been. At that time there was no rhyme

nor reason for many of the strikes but there was good cause for some of them as I shall show in a moment.

The Hon. G. C. MacKinnon: You could save yourself walking so far and ask country members of the Liberal Party.

The Hon. R. J. L. WILLIAMS: The general public were aware something was seriously wrong with the administration. The Industrial Commission described the industrial record at the Midland Junction Abattoir as the worst in the history of Western Australia. On several occasions the court was equally critical of the administration's approach to employee relations and to working conditions, as members will see if they care to read the judgments.

During this long period of time everyone who had regular contact with the abattoir knew that everyone else concerned with the industry was just as discontented as the work force. I refer to producers, stock and station agents, wholesalers, exporters, and retailers.

Since the appointment of Mr. Brian Wilson as general manager a dramatic change has occurred at Midland. When I spoke to one man there he said that he felt Mr. Wilson's appointment had brought a breath of fresh air into the industry. Mr. Wilson works on a very simple principle: Managers are appointed to manage. He believes they should manage in consultation, which is exactly what he has done. Mr. Wilson has instituted regular, well-conducted, monthly meetings with union representatives to inform them of developments and to find out where the troubled areas are. He has sought to correct these before they have become serious. Doubtless he has built up confidence in the administration because the men openly state that for the first time they are being treated as human beings.

The throughput figures at the works have increased. This has happened despite the fact that some reorganisation was necessary to meet the United States hygiene requirements.

The board feels a member from the union may inhibit it. The board will have to make decisions and the union representative would be charged with the task of taking the board's decisions and watering them down appropriately before passing them on to trade union members so that they would understand what the board was trying to achieve. Why destroy a situation where there is a board and a manager who is managing well? The manager has the confidence of the board and the workers. Regular meetings are held and all-in-all everything is functioning quite well.

I do not intend to stand in my place and say the legislation will not be possible in the fullness of time but I do intend to ask the House to reject the Bill before us because it is too premature, particularly when we consider the position in regard to industrial relations in this State today. That is my only reason. These things can work provided there is good training and goodwill on both sides.

To reinforce my argument I would ask members to look at Mr. Wilson's background. They will see he was trained on the killing floor, because he was a slaughterman. He has come up through the ranks and has brought all his experience to bear in becoming general manager. That is why I applaud the fact that union officials are now to be sent on further educational courses. All that old talk of "them" and "us" should have been swept out of this Parliament 10 years ago, as should such sayings as, "It is here but it is not there yet" or, "It is coming if it is not already here." This kind of talk is old hat in industrial relations. There is no such thing as "them" and "us". This is a myth perpetuated by political parties to try to point the blame in one particular direction.

If we intend to enter the field of industrial relations, a highly detailed study is needed. We must have highly skilled persons and we should not try to score a point by appointing a union representative or representative of management—call it what one will—simply for political expediency.

If this State is to become a progressive industrial State this is not the way to start. The way to start is with training and, as I said previously, the onus of training management and workers will rest entirely upon the State because those who are three hours ahead of us in time still think of us as being 20 years behind the clock. We will receive scant recognition from Commonwealth training schemes. It is only necessary to look at the disgraceful salaries offered to officers in training to know exactly what I mean. The Commonwealth is paying a boy's wage for a man's job. That is the state of industrial relations in the Commonwealth at the moment For five, six, or seven years the Commonwealth has talked about industrial relations and training. It has been a lot of yakkity-yak. No-one has got down to it and got on with the job.

I do not wish to commit any board or union to failure and if we pass this legislation that is exactly what will happen because we are not ready for it today.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.44 p.m.]: I apologise, Mr. President, for being a little slow in rising to my feet but three or four members rose before the dinner suspension and I thought there would be other speakers.

I should like to commence by thanking Miss Elliott for her complete support of the Bill. I also thank Mr. Williams for his

partial support of the Bill and other members for joining in the debate. I have said that Mr. Williams gave partial support to the Bill because he said the legislation would be good in 10 years' time. Why should we not be 10 years ahead of time? If it will be good legislation in 10 years' time I consider the principles contained in the measure are good today.

It is all very well to speak about training schemes and so on. If anybody—I do not care who he might be or to which group he might belong—can tell me that among the employees associated with the Midland Junction Abattoir there is not one employee who is competent to sit on this board and who cannot hold his own in any matter regarding management, ability, and knowledge of the problems of the Abattoir Board, I still have a lot to learn.

Mr. Abbey referred to setting a precedent. Many years ago, before I came here, on the old Fremantle Harbour Trust, which is now the Fremantle Port Authority, there was a representative of the Waterside Workers' Union whose name was Norm McKenzie. To the best of my knowledge, that was a period when industrial peace on the waterfront was most pronounced, principally due to the fact that Mr. McKenzie, who knew every aspect of employment and work on the wharf, was able to go among those men who, although they did not know the work on the wharf, had some idea of industrial relations because some of them were drawn from different sections of industry that used the wharf. Mr. McKenzie was a good example of the beneficial effect of having a representative of employees on a board of this nature.

Miss Elliott mentioned 31 boards in all which included such representatives among their members, and she said in many respects they were doing an excellent job.

There has been trouble at the Midland abattoir. Mr. Williams said that the appointment of Mr. Wilson has had a very beneficial effect on industrial relations generally. I would be bold enough to say that one of the principal reasons he has been so successful is that, as Mr. Williams said, he has been through the mill as a slaughterman. He knows what the problems are and is able to take those problems to meetings between management and employees, thus resolving the difficulties.

The object of this Bill is to appoint a representative of employees to the board so that he may take to the board meetings the expertise he has at ground level in the work that is involved and his knowledge of the difficulties. Mr. Williams said that many of the problems associated with the strikes could have been the result of poor industrial relations. I agree with him that some of the people on the management side did not have a knowledge of the problems with which they were confronted. In those circumstances, I think a man who knows the point of view of the men and is able to present it to the board is invaluable.

It appears I had full support from Miss Elliott and partial support from Mr. Williams. Some of the views Mr. Williams expressed coincided with my own; the rest of his views appear to stem from the conservative attitude that we are putting the cart before the horse, that representatives must be trained, and so on. The employees have a knowledge of industrial relations and they know the point of view that must be presented to the board. I think the presence on the board of a representative of the employees will have an invaluable effect on the future industrial relations at the Midland abattoir.

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

Ayes—9

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

Noes—16

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

Pair

Aye	No
Hon. R. Thompson	Hon. F. D. Willmott

Question thus negatived.

Bill defeated.

MINING ACT AMENDMENT BILL (No. 2)

Ministerial Statement

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [7.53 p.m.]: With the leave of the House I would like to supply some information. During the debate on this Bill Mr. Griffith made the comment that no figures were given regarding the expected revenue. I have been able to obtain that information during the tea break. It is as follows:—

(a) Increase in mineral claims and dredging claims: It is expected to be 2,600,000 for the full year, and 1,600,000 for the remainder of 1971-72.

(b) Increase in temporary reserves: 700,000 for the full year, and 260,000 for the remainder of 1971-72.

(c) Increase in mineral claims: 150,000 for the full year, and 140,000 for the remainder of 1971-72.

There could be a drop in the expected figures due to the downturn in the mining industry.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st December.

THE HON. G. C. MacKINNON (Lower West) [7.54 p.m.]: I intend to support this Bill, which is a very simple one. Many members will recall when the original amendment to enable subways and overways to be built in the metropolitan area was passed. I very much doubt the necessity for this Bill because in his speech the Minister said the matter was referred to the Crown Law Department for an opinion and the reply was that the Government could not do what it wanted to do without amending the Act. In my reading of the original amendment it is possible to do "any other thing." I think it might have been cheaper had the Government run down the street to obtain another opinion because had it shopped around it could have obtained a contrary opinion and gone ahead until someone took the matter to court.

Nevertheless, the Government has acceded to the idea and such things as underground parking, vehicle traffic ramps rising through footpaths, footings of columns and escalator bases on footpaths, underground shops in pedestrian arcades, and foundations of overpasses on road reserves have been written into this amending Bill. The principle was agreed to by all who were here when we originally agreed to the amendment of the Land Act. If it will save any trouble, it is best that we save it as quickly as we can, and I support the measure.

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 by The Hon. W. F. Willesee (Leader of the House), and passed.

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [7.59 p.m.]: I support this Bill. It will be recalled that tenders were called in 1961 for the development of the Mt. Goldsworthy iron ore deposit. The 1962 agreement entered into by the Government with the joint venturers in the Mt. Goldsworthy project resulted in the calling of those tenders. At the time one area, known as Mt. Goldsworthy, was involved. I visited that area some time ago, and I think Mr. Hunt will remember accompanying me. The Mt. Goldsworthy and Tallering Peak agreements were the first two agreements written by the Government with companies for the development of iron ore, and I think it can be quite safely said that they were the beginning of a wonderful era for Western Australia as far as mining is concerned.

The Hon. W. F. Willesee: That was the first one.

The Hon. A. F. GRIFFITH: Yes, it was the first agreement. The original agreement was introduced in 1964. This variation relates to new mining areas described by the Minister as "B" and "C." The Minister has explained the proposals in regard to those areas, and I accept them as being fair and reasonable.

The Minister also explained that the Bill contains a clause varying the basis of the f.o.b. calculation. The new clause appears to spell out in a more descriptive manner what charges can be deducted when calculating royalty. The new provision is apparently acceptable to the parties; that is, to the joint venturers and to the Government. Therefore, I will not comment further on it except to say that I wish the Government success with it. We found the question of the charges which were to be deductible from the f.o.b. rate, to say the least, most difficult to resolve.

The only other clause in the Bill is the variation clause. It is apparent that the Government intends to continue to use this sort of approach. I do not intend to pursue this any further except to say that the Minister must be of the opinion that the variation of an agreement should be brought to Parliament. I want to point out that the agreement, which is the second schedule to this Bill, is dated the 26th August, 1971. It has been signed and executed by the joint venturers, and by the Premier on behalf of the State, unlike the agreement we had before us recently which was brought forward for the blessing of, and ratification by, Parliament. When speaking on the Pacminex Bill—and I think I mentioned the Poseidon agreement at the time, which we will have before us sooner or later—I raised a query as to why that agreement had been signed. I did not receive any explanation in that case, nor do I expect to receive one in this.

The Hon. W. F. Willesee: Why comment? It is easier to get them through Parliament when they are done this way.

The Hon. A. F. GRIFFITH: Well, the Government must have learned something. I am pleased to hear the Minister say that. I merely repeat that in the case of agreements the way to do business is to negotiate the signing of them by the parties concerned, and then present them to Parliament for ratification. I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.04 p.m.]: I thank the Leader of the Opposition for his remarks. He has a close knowledge of this type of legislation and of this agreement in particular; so it was pleasing to hear his remarks in support of it. With regard to his suggestion that agreements should be signed before being brought to Parliament, upon reflection I think he might be right.

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. W. F. Willesee (Leader of the House), and passed.

SUITORS' FUND ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Addition of section 15A—

The Hon. I. G. MEDCALF: I wish again to raise the matter of subsidiary and related corporations. This is referred to in proposed new section 15A which states that where a corporation is deemed to be a subsidiary of or related to another corporation that has a paid-up capital of or equivalent to $200,000 or more, an amount shall not be paid from the fund to that corporation.

This is a corollary to the provision which appears in the Act itself excluding a corporation with a paid-up capital of $200,000 from receiving payments from the fund, although that corporation is required to contribute to the fund. I mentioned this matter previously, and I would be grateful if the Leader of the House could clarify the issue.

The Hon. W. F. WILLESEE: Mr. Medcalf has given me some time to look into the query he raised. The stated purpose of the legislation, when introduced in 1964, was specifically to provide assistance to persons without the means to pay certain legal costs, or to those who would suffer undue hardship upon doing so. At that time a restriction was placed on assistance to companies with a paid-up capital of $200,000. Members will be aware of the practice today of companies with such a paid-up capital operating through wholly-owned subsidiaries with a lesser paid-up capital. It would therefore seem unreal that assistance from the Suitors' Fund should be provided to companies of the latter class.

The proposal set out in proposed new section 15A is the result of a recommendation of the Appeal Costs Board, which is composed of Messrs. Ruse, Sharp, Q.C., and Reilly, each of whom is a legal practitioner of standing. I consider that if they were of the opinion that relief should have been provided for companies with a paid-up capital of $200,000, they would have made a recommendation. Now that the matter has been raised by the honourable member I feel it will receive their further consideration. In fact, I can go so far as to say that the board will be asked to consider whether all companies should be entitled to payments from the fund, and to submit recommendations when the Act is next under review. This will also allow the effect of the additional benefits on the financial position to be properly evaluated.

This is in line with the remarks of Mr. Griffith who drew attention to the fact that if we widen the scope of the fund we take the risk of spending more money from it; and if there is insufficient income the fund could be in jeopardy.

The Hon. A. F. Griffith: I am concerned about the effect of these amendments on the fund.

The Hon. W. F. WILLESEE: I think that concern is pertinent because I know that whenever one makes an application for a constituent, one is sharply reminded of the lack of funds. I ask Mr. Medcalf whether he is prepared to accept this explanation rather than to persist with the deletion of the clause.

The Hon. I. G. MEDCALF: I thank the Leader of the House for his explanation, and I appreciate the points he made. Nevertheless I am concerned about this. I am not quite sure whether he said that the Appeal Costs Board originally recommended that a company with a paid-up capital of $200,000 should not be covered. I doubt whether the Appeal Costs Board was in existence at that time. I think the Minister means that the board has now recommended that a subsidiary of such a company should not be covered.

The Hon. W. F. Willesee: Clause 9 is the proposal of that board.

The Hon. I. G. MEDCALF: Yes, I can easily understand that because the board comprises very logical people. They have simply said, "If Parliament has seen fit to provide that a parent company is not to be covered, we should not let them in by the back door." That is a perfectly logical reason, and I do not quarrel with it. Had I been a member of the board I might easily have done the same thing.

However, the point of principle still remains: That is, why should a company contribute to this fund when it may not

receive any benefit? Why should we penalise a company when we do not penalise a man who once owned $200,000 in capital? We are not talking about the assets of the company now. In terms of a means test, it is the means test of that company when it was incorporated, or when it last increased its capital.

Not only, in fact, is there a retrospective means test on companies, but they are to be charged the fees to enable the fund to provide benefits. However, they themselves will be denied those benefits. Mr. Griffith is somewhat concerned as to whether or not we can afford to provide all these benefits to those who become involved in appeals. If this argument is good in respect of some people, then it is also good in respect of the companies. He was really arguing on the extension of the four new cases that have been introduced. If his argument is good against the subsidiary companies, then it is also good against the others.

Mr. Griffith was the Minister who introduced the original Bill. At that stage he had good reason to exclude companies with a paid-up capital of $200,000. Today the fund has been increased considerably, so I cannot agree to the proposal to exclude the subsidiary companies. I am fortified in my view by the comments of the present Premier who, as Deputy Leader of the Opposition in 1964, made the following comments which appear on page 1831 of *Hansard* of that year:—

> Of course, there is another aspect, too. A company with a share capital of £100,000 cannot benefit ever under this legislation. It is specifically debarred. Nevertheless, it will have to make a financial contribution each time it uses the processes which are stipulated as being liable to this levy. I suppose one need not shed many tears over companies with £100,000 capital, and the impost upon them will not be a great deal. No doubt they will recover it in some other way.
>
> However, as a matter of principle, it cannot be defended because a charge is being levied in order to do something, but a section of the people upon whom the charge is levied cannot hope to benefit from it. This section is excluded from benefit. As a general principle, that could not be worse.

Despite those comments the Premier has sought to perpetuate the very wrong principle which he condemned in 1964. I am astounded that he has decided that he will not do the right thing now.

Even if the Premier does not support my proposal at this stage, I would like some assurance that the Government will do something in the direction I have outlined on some future occasion, rather than rely on the appeal board.

The Hon. W. F. WILLESEE: I place great reliance on the statement that the board will be asked to consider whether all companies should be entitled to payment from the fund, and to submit recommendations for amendments when the Act is next under review. I thought that would have been sufficient guarantee that the Act would be looked at.

I take the view that if additional calls are to be made on the fund by certain companies, then we must find some way of augmenting the contributions. I believe the principle as outlined by Mr. Medcalf is quite right, but this legislation has been framed around a certain set of circumstances involving certain individuals who contribute to the fund, and other individuals who are excluded from its benefits.

I am sure the Premier was not aware of what was contemplated in this legislation. I have great faith in the opinion expressed by the Attorney-General that amendments to the legislation would be made on a future occasion. For the time being I ask that the Bill be left in its present form.

The Hon. I. G. MEDCALF: I know that my proposal has the recommendation of the Premier, because his views are recorded in the 1964 *Hansard*. If his attention had been drawn to them he might well have decided to omit the extension of the exclusion from the benefits of the fund to subsidiary companies. I have great faith in the appeal board, but let us make sure of the position on the question of principle.

If the Leader of the House can give me an assurance that he will personally draw this matter to the attention of the Attorney-General and the Premier, and recommend something be done on a future occasion, I will not persist in my attempt to have the clause deleted.

The Hon. W. F. WILLESEE: I do not think that I fell short of giving an assurance. Although legislation is introduced by the Government, this particular type of legislation is recommended by certain bodies, such as the Law Society. It is not so much a piece of Government legislation as one that has been recommended by the appropriate body.

Quite apart from the assurance I have given of passing on the honourable member's comments I will write to the Attorney-General and draw his attention to the terms of this debate.

The Hon. I. G. MEDCALF: I thank the Leader of the House for that assurance. In the circumstances I will not persist with my comments on this clause.

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. W. F. Willesee (Leader of the House), and passed.

POSEIDON NICKEL AGREEMENT BILL

Second Reading

Debate resumed from the 1st December.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [8.26 p.m.]: I would like to say at the outset that it is not my intention to make long speeches in speaking to this type of Bill, which contains the accompanying agreement.

The Bill before us seeks to ratify an agreement made between the State and Poseidon Limited relating to the mining of nickel ore at Mt. Windarra; and I support it. I am sure the Poseidon development at Windarra will bring considerable benefit to the State, both in respect of employment and, when it gets under way, in respect of royalties.

The Minister has given us a very detailed account of the company's proposals, and I have no intention of questioning the agreement or the general outline of the proposals; nor do I intend to go into detail in examining the schedule to the Bill, clause by clause.

There is no doubt that a great deal of money will be invested in this project—some $55,000,000. In the first stage 700,000 tons of nickel ore will be treated, and it is hoped that in the second stage the quantity will rise to 1,200,000 tons. The agreement provides that the company will pursue the possibility of producing nickel metal.

In the first stage of development, Kalgoorlie will obtain great benefits from the venture. I know that after primary crushing the ore will be concentrated at the plant of Lake View & Star Limited at Fimiston. Esperance will also benefit from the venture, as the concentrates will be shipped through that port.

The second stage of development provides for the establishment of a concentration plant at Windarra, when it is hoped that the ore to be treated will be increased to 1,200,000 tons per year. Maybe later on the production of nickel metal will be undertaken.

I would like to make some comments relating to power and water. I realise that under the agreement the company is permitted to generate its own power, and under certain conditions it will be permitted to sell some of that power to other users. A great portion of the agreement deals with the supply of water. This is mentioned in clause 11 of the agreement. In the first stage of development the requirements of the company at Fimiston and Windarra will be 740,000 gallons daily. Whilst this quantity might not sound a great deal in the concept of the metropolitan area, in a region like Windarra it is, indeed, a great quantity.

A fair amount of care has been taken when dealing with the question of water. For the first time there is mention in subclause 10 of clause 11, to the effect that the company shall, to the extent that it is practical and economical, design, construct, and operate its ore treatment so as to make use of saline water and also recycle the water. That is very good. After all, in that region water can be an extreme problem. Without doubt, water is the most important mineral in the world.

The Hon. W. F. Willesee: It is a bad area for water.

The Hon. A. F. GRIFFITH: Water is certainly an important mineral in an arid country such as ours. The water problem will increase in this particular area of the State if further development is to take place. A great deal of exploration has occurred in the area during the past five or six years and even though it is occurring at a lesser pace at the moment I do not doubt that more development must take place in the future.

The previous Government was very conscious of the water problem in the arid areas of the State, and I am sure the present Government is equally conscious of this problem. I also notice, on page 31 of the agreement, that the Government has once again rewritten the variation clause in exactly the same terms as it appeared in the Bill with which we dealt a few moments ago.

I wish the company the very best of luck in its venture. It has expended a good deal of money in prospecting and in exploration. A great deal of benefit will accrue to Western Australia and my good wishes go to the company. Once again, I think it is pertinent to point out that the document we are discussing is dated the 27th June, 1971, and has been signed by the Premier on behalf of the State. It is an executed document brought here for ratification and I have pleasure in giving it my support.

THE HON. G. W. BERRY (Lower North) [8.33 p.m.]: I rise to support the Bill. However, there are a few comments I would like to make. To begin with, this agreement has come before the House and there has been no move to have it placed before the environmental protection authority before it is accepted by Parliament.

We have heard a lot about the environmental protection authority discussing agreements which come before Parliament. I wonder why we have departed from that procedure when an agreement concerns a part of the State other than the metropolitan area. The principle seems to be that we are only concerned with the metropolitan area or closely settled areas when it comes to environmental protection. It might well be said that there is no need for environmental protection in the area we are now discussing, but I question that line of thought. If it is good enough for agreements to be considered by the environmental protection authority when they concern areas close to the metropolitan area, I think it is good enough for them to be considered when they concern any other part of the State.

On page 13 of the schedule there is reference to the upgrading of the existing railway line between Malcolm and Kalgoorlie. That line is 3ft. 6in. gauge. Subclause (8) of clause 9 of the schedule states that the company shall pay to the State a sum or sums to be agreed between the parties towards the cost of providing any new railway required for the purpose of the operations of the company.

Subclause (7) of clause 9 of the schedule reads as follows:—

> (7) In the event that the State requires all or any part of the works referred to in either or both of subclauses (2) and (4) of this Clause to be completed in standard gauge (4 feet 8½ inches) the State may in its discretion so proceed in which case the Company's contribution will be a sum to be determined by the Railways Commission not exceeding the amount which would have been payable by the Company if the works had been completed in narrow gauge (3 feet 6 inches).

In view of the amount of money which has been spent in the area on exploration, and the amount which will be invested, I had hoped that it would have been in the best interests of all concerned to negotiate for a standard gauge railway instead of upgrading the existing railway.

Perhaps we are now reaping the results of a request to keep the railway open. Because the line was kept open we still have the 3 ft. 6 in. gauge and it will be upgraded. However, I am sure this move will be regretted in years to come.

Subclause (10) of clause 11 refers to water and its conservation. As Mr. Griffith has already mentioned, water is a very precious commodity in that region. Water is precious in any part of this State and I am pleased indeed to see that notice has been taken of a suggestion which I made regarding the recycling of water. We have always been very generous in the use of water in this State in anything to which we have applied it. This is the first time I have seen such a provision written into an agreement. The subclause to which I refer reads as follows:—

> (10) The Company shall to the extent that it is practical and economical, design, construct and operate its ore treatment plant so as—
>
> (a) to make use of saline water; and
>
> (b) to recycle all water.

That is a great step forward; we are looking to the conservation of our immediate supplies of water.

Clause 14 of the schedule refers to townsites, and it seems a pity to me that we must have two townsites in the area concerned. Unfortunately Laverton has not been acceptable to the company, or, alternatively, it does not lend itself to expansion. The company has decided to build a new town near the mine site at Mt. Windarra. It will be a company town initially but it will be taken over by the State eventually. I do not think the area can support two towns which will become the responsibility of the State. I sincerely hope we have enough development to warrant the existence of two towns, but it is a pity that the town of Laverton will be overshadowed by the new town of Windarra.

I wish the company every success in its venture and I believe this is the forerunner of many more agreements to come.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.39 p.m.]: I thank the two members who have spoken to the Bill and given it their support. Mr. Griffith, of course, knows the early history in connection with this company, in fact from the day of its dramatic find of nickel.

The points raised by Mr. Berry are typical of those raised by a man who represents a country electorate. I do not think it is intended to ignore towns in country areas with regard to environmental protection. However, I do think that when we are dealing with virgin areas, as is the case with this agreement, the demand for environmental protection is not as great as when an industry is to be established on the verge of the biggest city in the State.

The point with regard to the standard gauge line is well taken and it does seem to be a pity that there was an existing line which could be upgraded. If a new line had to be constructed it is obvious that it would have been 4 ft. 8½ in. gauge. However, what we have is the result of an agreement between the company, the Government, and the people concerned with regard to railways.

The fact that the two townsites are close together must have also received a lot of consideration. However, the company is firm in its belief that it is doing the right thing and, after all, the company is putting up the money and doing all the work to bring this agreement to fruition. I thank the members who have spoken to the measure, and I commend the second reading.

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. W. F. Willesee (Leader of the House), and passed.

SALES BY AUCTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd December.

THE HON. R. THOMPSON (South Metropolitan) [8.44 p.m.]: I think most members who were in this Chamber at the time would remember a Bill which was introduced to amend the Sales by Auction Act in 1969. That Bill met with some opposition because it would have had a great bearing on the produce sales at the metropolitan markets in Perth.

Quite rightly, that Bill was not proceeded with but the situation which existed, and still exists, has not been remedied. That matter has been the subject of an inquiry in the south-west.

Mr. Jack Thomson has introduced an amending Bill which I feel is most creditable inasmuch as it will tidy up the Act.

Its provisions will be of some benefit to stop the misdealings which have taken place. I have no proof of these misdealings, of course, but the honourable member mentioned some of them and though he did not offer any proof I feel sure he would not have brought this Bill to the House had he not possessed proof of the misdealings of auctioneers who sold cattle under the hammer even though the cattle were not in the yards.

If this is true, it is, of course, an intolerable state of affairs. As I have said, there is little doubt it must be true because the honourable member would not otherwise have introduced legislation which provides for these controls.

For the purpose for which it is introduced I think the Bill is most necessary. We cannot have these racketeers operating merely because they possess licenses to operate under the law. There is a principle to be observed in this matter and we must see that they do not abuse this principle.

The Hon. G. C. MacKinnon: You are talking as though they all do this.

The Hon. R. THOMPSON: I am talking about the south-west as the honourable member will see if he reads my remarks in their correct context. I am dealing with what goes on in the south-west.

The Hon. G. C. MacKinnon: I have attended a number of sales in the south-west.

The Hon. R. THOMPSON: I am talking about the southern part of the State.

The Hon. G. C. MacKinnon: You mean Albany?

The Hon. R. THOMPSON: Yes.

The Hon. G. C. MacKinnon: That is different.

The Hon. R. THOMPSON: If members will look at the Bill closely they will find that the main amendments are contained in clause 3 which increases the penalties for a misdemeanour to a reasonable level.

Clause 4 of the Bill amends sections 3A and 3B of the principal Act. Proposed new section 3A compels an auctioneer to keep a register or book of the cattle sold by auction; and 3B gives power to any member of the Police Force to inspect the register or book that is required to be kept.

Clause 6 seeks to amend section 4 of the principal Act by adding a new section 4A, and this places a restriction on an auctioneer as it relates to the purchase of cattle. We find, however, that in the proposed new section 4A the word "principal" is used. We all know what the meaning of the word "principal" is in the normal context, but if it came to a point of law it could mean the principal of a stock firm who issued the instruction and gave the auctioneer an exemption.

I suggest that Mr. Jack Thomson have a close look at this aspect so that we might more clearly understand what is meant by the definitions contained in the proposed new section 4A. Perhaps the words "agent, vendor, vendee, and vendees," could be used. These might help clear up any misunderstanding that might arise.

Clause 8 of the Bill, which is a new adjunct, permits regulations to be gazetted. I feel this is necessary because it would obviate amending Bills having to be brought down from time to time to deal with any offences or inconsistences that might arise.

The schedule contained in the Bill is one that we have not seen before but to my way of thinking it is a very good thing,

indeed. I consider the amendments contained in the Bill will make the Act more effective and will in turn protect both the seller and the buyer of livestock by preventing a recurrence of the abuses which came to light during the prosecutions for offences which occurred in the south-west in 1968-69.

Under the new section 3A sales made by private treaty immediately after the fall of the hammer cannot be entered in the sales by auction book. This is something else that Mr. Jack Thomson might have a look at. These sales cannot be entered in the sales by auction book because they would not have been knocked down at the auction; as this deals with auctions and not private treaty sales.

The word "stock" does not appear to have been used at all in the original Act and it might be necessary to give consideration to redefining the term "cattle" and replacing it with the term "stock," because I do not think the honourable member intends his Bill to cover the entire field of cattle—he is mainly concerned with stock sales rather than cattle sales.

In the original Act the term "cattle" means horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, ewes, wethers, rams, lambs and swine. It might be as well for the honourable member to tell us exactly what he wants the Bill to spell out. I feel he has in mind the sale of cattle, bullocks, steers, sheep, lambs, etc., rather than have the Bill cover the entire field of the definition I have just quoted. If it is the intention of the measure to include horses, this could quite easily interfere with the bloodstock auctions which take place in the State from time to time.

Further, in proposed new section 3B (1), stock inspectors should be given the same right as police officers to examine any register or book kept by an auctioneer, and I trust that Mr. Thomson will give consideration to including the term "stock inspectors" in this context.

This would clear up the position and prevent the necessity of people having to find a police officer to carry out this duty. If a stock inspector were at the sale and a complaint were lodged it could be remedied on the spot. Further, if suspected offences occurred the person most likely to know of them first would be the purchaser or owner of the stock concerned. It might be considered desirable to give the owner or purchaser of stock the right to inspect the register or book to enable him to ascertain whether irregularities had occurred. If they had occurred he could then report the matter to the police. If, on inspection, there were no such irregularity, the matter would go no further. Such a provision would save a considerable amount of time which would otherwise be wasted by police officers.

An additional amendment is proposed to include the words "on his own behalf" in new section 4A (2) contained in clause 6. If members look at the 1969 legislation they will see this was omitted but it was the Government's intention to insert these words into the Bill when it was introduced in 1969 and this would have the desired effect of closing up the loophole which appears to be present in the legislation at the moment.

If the words "on his own behalf" were included, proposed new section 4A (2) would then read—

> An auctioneer shall not, whether directly or indirectly make a purchase, or be in any way concerned or interested in a purchase on his own behalf of any cattle . . .

Even though you might think that this should be dealt with in the Committee stage, Mr. President, I think it is as well to point these things out during the second reading debate, so that the honourable member concerned might be able to give consideration to any amendments that are proposed.

That, virtually, was the wording of the 1969 legislation, and had the matter been further considered by Parliament I feel sure those words would have been included. The words "on his own behalf," if included in line 3 as suggested should clear up the points of question where the auctioneer might buy in the cattle himself where he is acting quite legitimately on behalf of a genuine purchaser from whom he holds an order to purchase.

This would protect an auctioneer who has a genuine order. People who know more about cattle auction sales than I do—and I know virtually nothing about them though I do know a little about the other auction system that exists—say that this would tidy up the Act and permit the auctioneer to purchase where a genuine order existed and where this could be of benefit to the purchaser without placing a deterrent which might prevent the auctioneer from doing these things.

There appears to be a difference between subsection (4) and subsection (2) of proposed new section 4A; the words "whether directly or indirectly" in the previous subsection being omitted from subsection (4). I consider that subsection (4) of proposed new section 4A should read—

> An employee of an auctioneer whether directly or indirectly shall not make a purchase or be in any way concerned or interested in a purchase of any cattle placed in the auctioneer's hands . . .

This would tidy up clause 6 to the satisfaction of all concerned. I think, however, we should with the proposed new additions and deletions further clarify subsection (4) in the following manner:—

> An employee of an auctioneer shall not make a purchase or be in any way concerned or interested in a purchase on his own behalf of any cattle or farm produce placed in the auctioneer's hands for sale by auction by any owner.

I would support the amendments I have mentioned because I believe they would bring the Act up to the required standard which I feel is necessary to protect the producers in the main.

They will not give much protection to the auctioneer. It will not take any powers away from him, but it will put the auctioneer on his mettle. He will have to conduct the auction in a businesslike way, and I believe this has not been the case in the past.

I will make this document available to the honourable member so that he can look at it. I suggest that he seek to amend the Bill. Perhaps we could deal with it again on Thursday or Friday and we would then be in a position to give due consideration to the measure as a whole.

I support the principle behind the Bill; it is a good one. However, I believe it should be brought up to the standard which I am sure is desired by the honourable member. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [9.02 p.m.]: I well recall the history of this legislation—this is the third time it has been introduced into this House by Mr. Jack Thomson in one form or another. As Mr. Ron Thompson said, it was first introduced in 1969 and later introduced again.

When the legislation was first introduced I raised a number of points, one of which was the addition of the phrase, "On his own behalf," which appeared in six places. The Hon. A. F. Griffith, who was then the Leader of the House, suggested that Mr. Jack Thomson should confer with other members who had raised queries concerning the legislation with a view to straightening out some of the matters. I am afraid I have not yet had the opportunity to confer with Mr. Jack Thomson about the Bill now before us. However, I notice that he has not included in the Bill the amendments I have mentioned.

I have given notice of these amendments on the notice paper tonight because I felt he may have overlooked them. Alternatively, he may have decided he did not want to include them. He had good notice of this matter some two years ago. No doubt Mr. Jack Thomson will tell us if he does not want to include the words for some good reason of his own.

I would like to explain the significance of the phrase, "On his own behalf." The stock auctioneer is selling stock, and the term "auctioneer," includes any firm or company. Now the auctioneer's representative, who might be from a local branch of the company, attends the sale to sell the stock of Farmer A. Other employees of the company are there with orders to buy. During the debate on this matter Mr. Logan suggested to me that the auctioneer himself would have orders in his pocket. I did not agree with him then, but I do agree now. He said that in nine cases out of 10 the auctioneer would be carrying orders in his pocket. If this Bill became law he would offend immediately because he, as the auctioneer, would be buying stock on behalf of another person. This is an unusual situation, but it has happened many times and it is quite aboveboard. Not only does the auctioneer himself buy the stock, but sometimes other representatives of his company attend with orders in their pockets.

These people do not divulge the prices. They arrive before the sale and bid at the sale. If the Bill is allowed to pass unamended, they would be prohibited from bidding. I am concerned that this omission would tend to lower the price because people will be stopped from bidding.

Clause 6, in subsection (2) of proposed new section 14A, reads as follows:—

> An auctioneer shall not, whether directly or indirectly make a purchase, or be in any way concerned or interested in a purchase, of any cattle placed in his hands for sale . . .

If the auctioneer has cattle placed in his hands for sale and he makes a purchase on behalf of somebody else, he will lose his license, go to gaol, and be fined $1,000. Obviously his life is going to become unhealthy; he will therefore not place any buying orders, and that would be a shocking state of affairs for the producers.

We might even accept the proposition that the auctioneer should not have orders in his pocket, although we know this does happen. However, it is not only the auctioneer, but also the members of the auctioneer's company—perhaps from other towns—who are prevented from buying on behalf of other purchasers. The auctioneer's license is held in trust for the company so I believe these words, "On his own behalf," must be added in several places.

Unfortunately, that is not the end of the exercise. I do not know what has happened in subsection (6) of proposed new section 4A contained in clause 6. Perhaps it is a printer's error but this legislation seems to me to make every person who sells cattle and makes a purchase whether on his own behalf or anybody else's, liable, even if he is not included

within the provisions of proposed subsection (2). Subsection (6) reads as follows:—

> Any auctioneer who, whether directly or indirectly makes a purchase, or is in any way concerned or interested in a purchase, of any cattle placed in his hands for sale by auction by any principal, the purchase not being one that is prohibited under subsection (2) of this section . . .

There seems to me to be something wrong with the wording; this proposed subsection needs drastic attention. I also draw attention to the differences in wording. Subsection (2) states, "placed in his hands for sale by auction by any principal." Subsection (4) states—

> An employee of an auctioneer shall not make a purchase, or be in any way concerned or interested in a purchase, of any cattle placed in the auctioneer's hands for sale by auction by any owner thereof without having previously obtained the consent in writing of the principal to the purchase.

There are obviously differences in the wording.

The Hon. J. M. Thomson: Would you just repeat that again?

The Hon. I. G. MEDCALF: New subsection (4) on page 5 refers to "owner," and new subsection (2) on page 4 refers to "principal." This seems to me to mean the same person.

I draw attention to these points because I am sure Mr. Jack Thomson is well motivated in his desire to improve stock auctions. However, this Bill needs some very careful consideration before the House is asked to pass it because of the matters raised in debate tonight. If I had realised the Bill would be reached tonight I would have taken the opportunity to discuss it with Mr. Jack Thomson. I had to speak tonight otherwise I might have had to forever hold my peace.

Debate adjourned, on motion by The Hon. L. A. Logan.

MARKETING OF LAMB BILL

Second Reading

Debate resumed from the 25th November.

THE HON. J. HEITMAN (Upper West) [9.11 p.m.]: I speak on the Marketing of Lamb Bill this evening with some misgiving because the lamb is to be marketed with absolute acquisition. I hope in the long run it will work out the way the Farmers' Union desires. This evening I intend to express some of the ideas of the Farmers' Union, the meat exporters, and the Pastoralists and Graziers Association.

This legislation was mooted about August, 1970. After a close scrutiny by the Department of Agriculture it was decided to hold a poll of producers to discover whether they wanted lamb marketing carried out in the manner proposed by the Farmers' Union. According to the Minister's second reading speech, 2,466 producers applied for enrolment on the roll of electors. In December last 2,028 voted with the following result: 1,760 for the scheme; 228 against; and 40 informal. Of course, every producer of lamb did not vote but this would not prevent their participating in the scheme, as total acquisition would do away with the auction system.

All lamb killed will be sold on the weight and grade basis. Many producers have asked for the sale of lamb on a weight and grade basis, but many other producers will be disappointed. Producers will very quickly learn that the only way to sell lamb is to have it in tip top condition and suitable for the trade.

This Bill does not inform us what will happen to the lamb which is rejected. It simply states such lamb will not be received. Of course, something will have to happen to the lamb after it has been sent here—it would not be sent back at the producer's cost. Perhaps this lamb will be skinned and sent down the chute for blood and bone.

The legislation provides for the setting up of a board. The board will include two persons who are producers elected by prescribed producers, one person who has no experience whatever in lamb raising or lamb marketing who will be the chairman, and one person representing the meat trade. The board will eventually appoint a manager, who will become a member of the board. I do not agree with this provision. If the board elects a manager, he certainly should not be a member of the board. He could sit in on meetings of the board and advise the board of what has taken place, but I feel he should not be a member and able to dictate policy. The manager should inform the board of his requirements, but the board should make the decision.

Here again I do not think the board will be efficient enough to argue with the manager, because all the members will not be experts on the selling or buying of lamb. The members of the board will consist of one man who is an expert on the slaughtering and selling of lamb. The other two will be representing producers; one of whom will be selected by the Minister, and who will be the manager. There will be a quorum of three members on the board. This means that if one member is absent at any time the board will be able to carry on, but if two are absent it will not be possible to hold a meeting of the board. This will be an

admirable set-up. It will ensure that there will be a quorum present at every meeting.

When the Bill goes into Committee I will, on behalf of Mr. Willmott, move the amendments he has on the notice paper, because I agree with his thoughts that the manager should not be a member of the board. Under the Bill the board will be granted fairly wide powers. There is very little it cannot do. It is rather frightening when it is considered that the board will acquire all the lambs, have them slaughtered at the abattoirs, and sell them on a weight and grade basis mainly for the home market. However, at the present time the board does not own an abattoir, or any freezing or chilling works. These facilities will either have to be acquired or hired. The producer might look at this aspect and say, "A tremendous amount of money will have to be expended, which the producers could well use, on the establishment of an abattoir, chilling rooms, and freezing rooms; or, if we are obliged to hire these facilities this will absorb, in overheads, a great deal of the return from the sale of lambs."

The only redeeming feature the farmer will see in this set-up is that he will not be paying the cost of conducting auction sales. He will not be sending his lambs to a commercial firm for sale at auction and therefore will not be paying a commission of 4 or 5 per cent. Another advantage is that the lambs will not be in the yards as long as they were before, because the board will have complete control over the number of lambs that will be coming into the yards and the times at which they will be delivered, and also the times when they will be slaughtered.

In these circumstances the board will be able to supply a better carcase on weight and grade which will mean a better carcase for the housewife, especially if the growers awaken to the fact quickly enough that they must deliver stock of a quality that is suitable for the weight and grade market. Very often it costs up to 2c a pound to get stock to the stage where the meat does not shrivel and the animal makes a good carcase when slaughtered. At the present time most lamb breeders realise this; and they endeavour to send their lambs to the market in a fit and proper condition.

We have talked about the feasibility studies that could have been conducted into this particular trade, but the economists of the Department of Agriculture conducted a feasibility study some time in 1969 and since then others have inquired into the possibility of this exercise.

Part III of the Bill provides—

> The Board may from time to time specify the manner in which and the times and places at which lambs may be delivered to the Board by or on behalf of the person or persons referred to in the notice, or by or on behalf of persons generally, and the period of notice required to be given to the Board prior to the delivery of lambs to it, and may by subsequent notice amend or revoke any such notice.

It appears to me that a farmer must notify the board that his lambs are ready to be delivered to the market. The board can then say, "We do not have any room at the killing works this week and we will have to hold them over until next week." Anyone who has bred lambs will realise that when a lamb reaches its peak it has to be killed very quickly. Once a lamb goes past its bloom it deteriorates very rapidly.

One of our greatest problems at the moment in meat marketing is that we do not have sufficient killing works available. Therefore I am wondering whether, if the board does not have any control over the abattoirs in the flush lambing season, the slaughtering of the lambs could be held up, which would have an adverse effect on the marketing and supply of lambs. The only way the board can administer this system is to have control over supply and demand of the lamb on the market. This power has been granted to the board under this Bill, but as I say it is problematical whether it will exercise this power to a greater degree than is necessary which will mean that lambs will be sent to market when they are past their bloom and they will not be as fit as they should be.

I think I should let members know exactly what the Farmers' Union considers will happen with this lamb marketing scheme. Then later, if I may, I would like to read some of the articles that have been written in opposition to the scheme. Firstly, the views of the Farmers' Union are as follows:—

> W.A. LAMB MARKETING BOARD PROPOSALS
>
> The lamb marketing scheme proposed in legislation now before State Parliament has been overwhelmingly supported by lamb producers and has the full blessing of the Farmers' Union of W.A.
>
> The scheme is urgently needed to introduce order, stability and sound business practice into the lamb trade.
>
> It will mean a more consistent supply of lamb to the market and a better quality product for the housewife.
>
> It will put the industry onto a more certain basis with consequent benefits to producer, consumer and the State.
>
> There will not be artificial bolstering of lamb prices—they will be ruled by the usual factors of supply and demand, but without the fluctuations,

the uncertainties and the anomalies of the present haphazard system.

There is no reason why the scheme should mean any increase in retail price, unless it is used by other sectors of the industry as their excuse to increase prices.

The scheme has evolved after two years' consideration by the Farmers' Union. Before being finalised it was scrutinised by the Agriculture Department and its recommendations were incorporated.

Under the scheme as now proposed all lamb for slaughter will be under the control of a single authority.

The producer with lambs to sell will be allocated killing space at either a public abattoir or any private abattoir that wishes to participate in the scheme. The abattoirs will kill on behalf of the authority.

The authority will then offer the lamb to the trade on set home consumption prices according to grade. Exporters will tender to the authority for their supplies.

The authority's prices will be under constant review and will vary according to supply and demand.

Those farmers who go to the extra cost of producing a quality lamb away from the normal peak supply season will not be disadvantaged as the pricing periods will be brief and grower prices will be amended as supply diminishes. It is intended that the authority should encourage a more even spread of supplies to market.

It will mean that all lamb producers will be selling on a weight and grade basis, a facility that has been open to only a limited number in the past.

The lamb scheme as proposed will streamline and modernise the marketing pipeline, with consequent cost savings.

The efficiency it will introduce will directly benefit the two most important sectors concerned with the lamb industry—the producers and the consumers.

The scheme will mean that lambs will no longer have to go through auction sales, which are costly, time wasting, and which have serious physical disadvantages. The farmer will benefit because he will no longer have to bear these unnecessary costs, passed to him through a lower price for his stock. The housewife will have a better product at no extra cost.

The producer, with no power to control what price he obtains, has been subjected to sharp fluctuations in returns for his lambs.

Unlike the other sectors of the lamb trade, which set their own margins, and achieve them either by paying the farmer a lower price or by charging the housewife a higher price, the farmer has been working completely in the dark.

Under the proposed scheme a fair price according to supply and demand will be set and for the first time farmers will know with some certainty what they will get for their product.

In other words, it will give the farmer what other sectors of the meat trade have taken for granted.

The fluctuations and uncertainties inherent in the present lamb marketing system have made it virtually impossible for the grower to assess what type of lamb he should produce to cater best for consumer requirements.

With the new scheme he will know exactly what grade he is producing and what price it attracts. The feedback of information from the authority will take the hit and miss out of the farmers' production methods.

It will mean that increasing amounts of better-quality meat are available. This will please the housewife and help export prospects.

The new scheme will take away a completely unjustifiable anomaly with regard to the relative prices of home consumption and export lamb.

Export lamb has to bear extra costs, like freight. This means that the exporter, to cater for these costs, reduces what he pays the producer.

However, what is actually happening during the export season is that the price of all lamb, including home consumption lamb, is being reduced.

There is absolutely no reason why the producer should have to bear this. The proposed authority will maintain a true price for both export and home consumption lamb.

There will be costs involved in the staffing and running of the authority, but they should be more than met by the cost savings that will come from the more efficient marketing system.

The butchering trade has a virtual stranglehold on the lamb marketing system at present, and it is not hard to realise why some sections of that trade are opposed to this scheme . . . it will establish an independent authority that will look to the interests of *all* sections of the industry.

If the rural industries are to regain stability and continue to play their vital role in the economy, it will have to be on a basis of orderly, planned and efficient marketing.

The legislation before you seeks to achieve this for the lamb industry.

Your support for this scheme will be a valuable contribution towards this goal and to the benefit of the farmer, the housewife and the State.

Those are the views of the Farmers' Union, the people who have set up this lamb marketing scheme. The Pastoralists and Graziers Association does not seem to have the same opinion. In the first place its members feel that the lamb marketing scheme should stand on its own feet and compete with other buyers of lamb and with the exporters. For this reason the association would like clause 19 deleted. Its reasons for the opposition to the total acquisition arrangements are as follows:—

(i) It tends to breed inefficiency.

(ii) If the principle in itself of this type of Board entering the market was unassailable then it would be necessary for total control as it would survive on its own merits and there would be no need to protect it from competition.

(iii) If total acquisition was removed and the Board became a competetive factor in the market it would have a far greater opportunity and probably more success in raising the price to the producer, without wrecking the rest of the operation.

(iv) Private enterprise has proven itself efficient in the marketing of meat and above all we do not wish to see any factors which would upset the delicate balance achieved through promotion in raising the per capita consumption of lamb against fierce competition from chicken and fish in recent years.

(v) The added overheads which would inevitably accrue within the structure of the Industry by the addition of another Board would make it difficult for

(a) The Board to raise the price to producers without,

(b) also raising the price to consumers.

It is a well proven fact that price, quality and supply are closely interrelated and price is of paramount importance to budget conscious housewife consumers.

For the above reasons, we would not like to see this Bill become law in its present form.

The following comments are for your general information and may be of use:—

Clause 16.

The provisions of subsection (4), (6) could prove of extreme hardship and the quality of a producer's stock may suffer by arbitrary decisions of the Board as it is well known that

(a) It is sometimes impossible to guess forward when the stock will be at its peak, and

(b) When the stock is at its peak it deteriorates rapidly from that point.

The association goes on to make further suggestions concerning other clauses which I do not think will worry us very much. Of the two organisations, one is certainly very much for the scheme and one very much against it. I did receive information from the Meat and Allied Trades Federation of Australia and the W.A. Meat Exporters Association, but I will not read it. I have had meetings with both those organisations and told them that if they had given reasonable prices to farmers for their meat no need would exist for this Bill.

If the livestock salesmen's assocation, the exporters, and others who have been dealing with meat over the past years had given a better price to the producers, this Bill would not have seen the light of day. However, it is before us and I view it with some apprehension. Nevertheless, I will vote for it because I think we should give the board some help and see if we can obtain a better price and supply an improved commodity to the housewife who must buy meat of the best quality as cheaply as possible.

I support the Bill and hope it has an easy passage through Parliament.

THE HON. C. R. ABBEY (West) [9.34 p.m.]: I rise to support the Bill and I make no bones about it. We have an opportunity to improve what has become a rapidly deteriorating situation.

I have here a chart issued as a supplement to *Wesfarmers News*. It indicates the prices received for lamb, covering the period 1969 to 1971, and reveals fluctuations from a high on the 15th July, 1969, of a little over 30c when lamb is normally difficult to supply, to a low of about 10c to 11c on the 24th June and the 1st July, 1971. What a terrific variation! Surely this is justification for introducing a different method of selling the product. Any member who desires may study this chart on which the prices go up and down like a yo-yo. It is amazing that the producers should suffer this type of variation and fluctuation with no real explanation.

The present prices are ruinous to the industry and, if continued, could mean that many producers would be forced to leave the industry. This would result in an eventual lack of supply which would have a very serious effect on the housewife. Like Mr. Heitman, I feel that the wholesalers must accept a good deal of blame in this regard because they took advantage of the drought that was experienced in 1969—which, in some parts of the State, has continued almost up to the present day

—and a lack of abattoir facilities. I need not go into the abattoir situation because we all know that story all too well.

Although we have introduced this Bill to stabilise the market, some years will elapse before stability is reached. Overseas buyers accept that lamb and mutton in Western Australia in particular are very cheap and so why should they revive their ideas knowing that our stock numbers are increasing and the situation has deteriorated to such an extent? Why should the buyers in the Asian markets suddenly revise their ideas merely because we introduce a lamb marketing scheme? They will resist for as long as they are able.

In the lamb marketing game, if I can call it that—it has become a game of late—importing countries have taken advantage of the situation and now in the main call for tenders. I suppose we could draw a parallel with the wool market. We all know that this has been depressed over the years as a result of what is virtually a tendering system by the buyers. The buyers have had to depress prices in order to obtain orders; and this is not only a world trend in wool marketing, but a trend which has developed in marketing generally. It is developing in the meat market and in the live sheep and lamb market.

Even 12 months ago, and certainly two years ago, wethers for export quite frequently reached a price of $7 or $8 a head and it was well worth a grower's effort to keep his live wethers until such a price was offered. These days, however, it must be a very good wether indeed to bring $4.50 or $5 for the overseas market. Now the trend for a slightly lower weight wether on the market is towards $3 or $4. This is all a result of the tender system.

The agents throughout the State and the Commonwealth have been invited to tender for live sheep and lambs and they do so knowing that their competitors and they must tender as low as possible in order to secure the contract. The same old story has developed as is the case with wool.

Lamb producers of Western Australia have no alternative but to introduce a marketing scheme with the inclusion—fortunately on a voluntary basis—of mutton. We all know how bad the mutton situation is, and when a comparison is made between the situation in Western Australia and the Eastern States price-wise a very sorry picture is revealed.

This Bill will create a certain amount of stability, and over a period of years will create a situation under which both the producer and the consumer—whether Australian or overseas—will at least know he has a stable product prepared on a weight and grade basis and that the price is reasonably stable. This must surely lead to the product becoming more competitive.

We have been warned that some of the products sold in competition with lamb—notably chicken and fish—will take an ever-increasing part of the lamb market. I do not believe this. Lamb is a great deal cheaper. In fact, this applies to any meat; that is, lamb, mutton, or beef. It is also a better product if produced and presented properly and a weight and grade basis is probably the only way by which we will finally achieve a stable product which is reasonably acceptable to the consumer. After all, this should be our objective; that is, a decent price to the producer which in turn will ensure an acceptable product to the consumer.

The inclusion of mutton in the scheme will provide another outlet for the aged mutton of which so much is available in Western Australia. As this product will also be on a weight and grade basis, a firming of the market could occur.

Recently a Bill was passed to enable the Midland Junction Abattoir to trade in meat and obviously the intention will be that the board will make known to the producers a price at which mutton will be accepted by the board. I imagine this will be one of its primary objectives and will certainly enable a more stable situation to develop.

Under a lamb marketing scheme a similar result could come about. It could be the marketing authority will make known prices for various grades of mutton and anyone wishing to take advantage of those prices will have this avenue open to him. A producer will be able to book ahead to supply truckloads or semi-trailerloads of most of his mutton on a weight and grade basis. I think this is a very good development.

We know, too, those in the beef industry are fairly apprehensive over what may happen to that industry. At the moment beef is on the top of the wave and it is to be hoped it stays there. I can foresee the time when it will be necessary, however, to bring in a marketing scheme for beef as well.

We have a great many overseas markets already. I have mentioned the live sheep and the live lamb markets. We know, of course, of the huge market in America for strip mutton and beef and there are various other developing markets, particularly in Japan and Asia.

If we set up a worth-while organisation, as is proposed by the measure, we could well see a situation where finally we will make a vigorous attack on these markets which could only represent a great improvement to the industry as a whole.

Let us keep firmly in our minds the fact that if we can increase the meat market to our Western Australian producers by only 20 to 30 per cent. this will overcome very many of the problems that have arisen in the last year or two.

If in future it becomes necessary for producers to provide funds to abattoirs, a marketing organisation, such as the one proposed, will be ideal for the collection of a levy or contribution, whatever we like to call it. I think we are rapidly approaching the point in time when this must be done. Grain producers have had to face this situation and continue to face it. Grain producers provide the means to handle grain. I am sure meat producers will accept the need, should it arise, to provide some finance to handle the situation which exists in respect of abattoirs.

If we ever reach a situation of overproduction in the meat industry it will be necessary to impose some limitation on production. This exists in grain areas now in that the production of wheat is limited. In future there may well be a need to limit barley production. If this happens we will have an organisation set up and a means by which the situation can be handled. Overproduction in meat may not occur in the foreseeable future because it seems that markets for meat are opening up throughout the world all the time. The situation may never need to be covered. As I have said, if the need does arise an organisation such as that envisaged in the Bill will be set up and able to handle it fairly effectively.

The Hon. A. F. Griffith: To the satisfaction of some.

The Hon. C. R. ABBEY: Very few, really. Mr. Heitman mentioned avoiding the long waiting periods for lambs in yards and paddocks which exist at the present time. We all know lambs, particularly sucker lambs, tend to deteriorate very rapidly. Under the legislation, the situation will be that lambs are sent direct from the producer to the abattoir and there will not be the excessively long waiting periods which have existed formerly. A much better product will come to the consumer.

The Hon. A. F. Griffith: Do you think you can be absolutely sure of that?

The Hon. C. R. ABBEY: I point out the situation which exists in connection with the Stacey lamb train. We know Mr. Stacey and his sons annually send to Robb Jetty consignments of 9,000 or 10,000 lambs at a time. Some fears have been expressed that producers will not be able to have allotted to them a suitable time for lamb to be sent in its optimum condition. How does Mr. Stacey cope with the situation? He copes with it very well.

The Hon. A. F. Griffith: How would Mr. Stacey cope with the situation if the authority did not want to take his lambs on the day he wanted to send them down?

The Hon. C. R. ABBEY: Mr. Stacey makes his arrangements beforehand. He is a man with considerable experience as, indeed, most farmers are when it comes to handling their lambs. Farmers know within a week or two when their lambs will be ready and, if they manage their properties properly, from experience they will be able to forecast when the lambs will be ready. This will overcome the fears expressed so far.

After all, it comes back to proper management of properties. All too often in the past we have seen situations where the producer has demanded that all his mutton and lamb come in at the one time, and all within a few weeks.

The Hon. I. G. Medcalf: He will be told when to send his lambs now.

The Hon. C. R. ABBEY: As I understand the legislation, a producer will advise the board the approximate time lambs will be ready. He will certainly have that right.

The Hon. I. G. Medcalf: The board will have the power to tell him.

The Hon. C. R. ABBEY: That is inevitable. The board could not work without this power. The producer in this field will become fairly realistic. It is all very well for a farmer to think that he wants to get rid of all his old ewes immediately after he has sent in his lambs. However, it is plain stupid to get rid of them at a sacrificed price. It behoves all of us—and I am a producer of both mutton and lamb —to organise our enterprises so that the supply of mutton and lamb is spread out over the year. In this way I am sure we would be able to expect far better prices. After all a farm is a business enterprise and should be treated as such.

I suppose I shall be told by succeeding speakers that what I say is impossible. I am quite certain I can meet the situation and I do not see why others cannot do likewise. I support the Bill.

Debate adjourned, on motion by The Hon. L. A. Logan.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.53 p.m.]: I move—

> That the House at its rising adjourn until 11.00 a.m. on Wednesday, the 8th December.

Question put and passed.

House adjourned at 9.54 p.m.