

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

Ayes—21

Mr. Bateman  
Mr. Bertram  
Mr. Brady  
Mr. Burke  
Mr. Cook  
Mr. H. D. Evans  
Mr. T. D. Evans  
Mr. Fletcher  
Mr. Graham  
Mr. Harman  
Mr. Jamieson

Mr. Jones  
Mr. May  
Mr. McIver  
Mr. Moir  
Mr. Norton  
Mr. Sewell  
Mr. Taylor  
Mr. Toms  
Mr. Tonkin  
Mr. Davies

(Teller)

Noes—25

Mr. Bovell  
Sir David Brand  
Mr. Burt  
Mr. Cash  
Mr. Court  
Mr. Craig  
Mr. Dunn  
Mr. Gayfer  
Mr. Grayden  
Dr. Henn  
Mr. Hutchinson  
Mr. Kitney  
Mr. Lewis

Mr. W. A. Manning  
Mr. McPharlin  
Mr. Mensaros  
Mr. Mitchell  
Mr. Nalder  
Mr. O'Connor  
Mr. O'Neill  
Mr. Ridge  
Mr. Runciman  
Mr. Stewart  
Mr. Young  
Mr. I. W. Manning

(Teller)

Pairs

Ayes  
Mr. Lapham  
Mr. Bickerton

Noes  
Mr. Rushton  
Mr. Williams

Question thus negatived.

Motion defeated.

House adjourned at 10.10 p.m.

## Legislative Assembly

Thursday, the 15th October, 1970

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

### QUESTIONS (24): ON NOTICE

#### 1. APPRENTICES

##### Building Trades

Mr. GRAHAM, to the Minister for Labour:

What was the number of persons apprenticed in each of the building trades respectively for each year from 1961 to 1969 respectively?

Mr. O'NEIL replied:

The numbers of persons apprenticed in the various building trades for the years specified are indicated in the attached table.

### BUS SERVICE

#### North Dianella

Mr. CASH, to the Minister for Transport:

Can he advise what action has been taken by the Metropolitan Transport Trust following my suggestion for additional bus facilities in the North Dianella area?

Mr. O'CONNOR replied:

A proposal for the extension of route No. 53 is currently under examination by the Perth Shire Council.

### 3. INDUSTRIAL DEVELOPMENT

#### Rockingham Area

Mr. RUSHTON, to the Minister for Industrial Development:

Will he advise the House of his department's intentions and progress towards attracting and establishing manufacturing and assembling industries in the Rockingham area which would provide extensive employment opportunities for every section of the work force?

Mr. COURT replied:

The original plan for development of the Kwinana industrial area was to attract some basic heavy industries around which it was hoped would grow a network of smaller ancillary and associated industries.

At the time, 7,000 acres were set aside and establishment of industry was encouraged by the provision of services such as shipping facilities, railways, roads, utilities and housing estates.

In addition to the major plants such as refineries for oil, alumina and nickel, fertiliser manufacture, iron and steel production, there have been established numerous smaller plants such as Stanton Pipes, Westralian Wire Works, Transfields, E.P.T., N.B. Love Starches, C.I.G., Rose and Roedel, and Chemical Industries (Kwinana), etc.

Dates	Trades										
	Brick-laying	Stone Masonry	Carpentry and Joinery	Plumbing	Plastering, Solid	Plastering, Fibrous	Painting	Sign-writing	Lead Burning	Glazing	Total
As at											
30/6/61	36	1	435	212	39	2	189	15	....	25	954
30/6/62	32	1	455	231	46	2	175	15	....	22	979
30/6/63	49	1	500	242	41	2	172	18	....	27	1,052
30/6/64	54	3	559	281	46	2	220	21	1	37	1,223
30/6/65	72	2	659	320	59	2	254	23	1	40	1,432
30/6/66	86	2	686	327	61	1	267	23	1	38	1,492
30/6/67	85	4	716	377	53	4	290	20	1	36	1,576
30/6/68	90	4	792	391	66	18	266	25	2	40	1,684
30/6/69	110	4	816	468	66	22	255	23	1	48	1,813

The establishment of smaller ancillary industries will continue.

To encourage the establishment of these smaller industries, which are proportionately more labour intensive, an area of land was subdivided to provide 32 sites of up to 1½ acres. The Department of Industrial Development was also involved with the Lands Department when Crown land in the vicinity of Dixon Road, Rockingham and Gentle Road, Medina, was subdivided into 97 and 20 lots respectively and made available for smaller and diversified industries.

Currently we have under discussion a number of industries to give more varied employment opportunities and especially for women workers.

The response has not been as good as expected but it is felt that we will eventually succeed in convincing some potential manufacturers of consumer goods that there is available a group of workers who would be appropriate for the industries we seek and particularly things like clothing manufacture.

#### 4. WATER SUPPLIES

##### *Forrestfield-Maida Vale Area*

Mr. DUNN, to the Minister for Water Supplies:

Does he agree that the industrial development of the Kewdale area will create an ever increasing demand for housing in the Forrestfield-Maida Vale area and, if so, can he advise what plans, if any, are contemplated to provide an adequate supply of water in the Forrestfield-Maida Vale area should current proposals to rezone rural land to urban be approved?

Mr. ROSS HUTCHINSON replied:

A distribution network has been designed to meet requirements of the whole Maida Vale-Forrestfield area. The network can be constructed as it becomes necessary to provide for the increasing demand for water.

#### 5. HAMERSLEY HOLDINGS LTD.

##### *Royalties and Receipt Duties*

Mr. TONKIN, to the Treasurer:

- (1) During the period of nine months to the 30th September, 1970, when Hamersley Holdings Ltd. made a profit of \$19,855,000 what amount of royalty was due to the Government from the company in respect of ore production in the period?

- (2) How much did the company pay in receipt duty on ore sales during the period mentioned?

Sir DAVID BRAND replied:

- (1) \$5,750,000.
- (2) Nil.

6. *This question was postponed.*

#### 7. LOCAL GOVERNMENT

##### *Subiaco: Reduction in Rates*

Mr. TONKIN, to the Minister representing the Minister for Local Government:

- (1) Consequent upon the decision of the Main Roads Department to eliminate right turns on to Railway Road from the Nicholson Road subway what recommendations have been made to the Subiaco City Council that the rates on properties along the roads on which through traffic is diverted should be reduced to compensate for the reduced values of such properties and the nuisance caused to property owners?
- (2) If no action has been taken is he prepared to make a recommendation?
- (3) If not, why not?

Mr. NALDER replied:

- (1) None.
- (2) No.
- (3) The Local Government Act gives the right to owners of property to appeal against valuations of their properties to the Valuation Appeal Court.

#### 8. ELECTRICITY SUPPLIES

##### *Timber Poles: Tenders*

Mr. JONES, to the Minister for Electricity:

- (1) Does the State Electricity Commission call tenders for the supply of timber poles?
- (2) If "No" would he advise the reasons why tenders are not called?

Mr. NALDER replied:

- (1) No.
- (2) The Commission obtains its poles principally from State Forest areas where the cutting of poles is an integral part of forest management and conservation and must be strictly controlled.

Pole contractors are licensed, their number limited, and their area of operation defined.

Under these circumstances the calling of tenders is not practicable.

9.

**COLLIE RIVER***Erosion of Banks*

Mr. JONES, to the Minister for Works:

Would he advise the actual work to be carried out to overcome the problem of erosion along the banks of the Collie River as outlined in his letter to me of the 9th September, 1970?

Mr. ROSS HUTCHINSON replied:

Minor realigning by dragline and protection of the eroded areas with dumped stone, hurdles and bushing will be carried out approximately February 1971, when river flow conditions have reduced to a minimum.

10.

**CHURCH SITE***Bentley Housing Complex*

Mr. DAVIES, to the Minister for Housing:

- (1) Has the block of land set aside for church purposes in the new Bentley housing complex yet been taken up?
- (2) If so, by whom and under what conditions?
- (3) If not, is there any likelihood of the land being used for religious purposes?

Mr. O'NEIL replied:

- (1) Two (2) sites have been set aside for church purposes on the Bentley complex. Lots 13 and 48 Dumond Street.
- (2) Lot 48 has been taken up by the Salvation Army. Conditions of sale are as follows:—
  - (a) Sale price was at a value for community purposes, the value being assessed by the State Taxation Department.
  - (b) Sale is on condition that the church body is in a position to proceed immediately with building plans.
  - (c) Sale will be subject to a deed of trust and undertaking that in the event of the church facilities being no longer required, the Commission will have first option to repurchase at a like value.

Where, because of changes in attendances, one church desires to sell to another, the Commission is prepared to approve, provided the incoming church will execute a deed of trust on the foregoing.

The Salvation Army chose to purchase lot 48 Dumond Street by way of exchange of land which had previously been sold to them by the Commission in 1954.

- (3) Representatives of the W.A. Council of Churches and other non affiliated churches were advised of these lots being available for churches who could meet the foregoing conditions at a meeting held on the 26th May, 1970. To date, there has been no response for lot 13.

11.

**EDUCATION***Classrooms*

Mr. NORTON, to the Minister for Education:

- (1) How many demountable classrooms are in use at primary schools?
- (2) How many conventional classrooms and cluster type classrooms were built during the last financial year?

Mr. LEWIS replied:

- (1) 165.
- (2) 111 conventional classrooms and 74 cluster type classrooms were built in primary schools during the 1969-70 financial year.

12.

**TAXI PLATES***Transfers*

Mr. GRAHAM, to the Minister for Transport:

- (1) During the past 12 months how many transfers of taxi plates have been approved by the board?
- (2) What are the conditions and circumstances under which transfers may be approved?
- (3) What are the reasons in each case for such transfers as have been approved by the board in the last year?
- (4) Is there any intention to cease allowing transfers of taxi plates?

Mr. O'CONNOR replied:

- (1) 71.
- (2) Subject to the applicant being a fit and proper person to hold a licence and to his not already holding licences for two or more than two taxi-cars as provided in the Act, the policy of the Taxi Control Board is to grant a transfer only to an applicant who has been driving a taxi-car for at least three months and who undertakes to drive as an owner-driver if the transfer is approved.
- (3) Owners wishing to transfer give various reasons including financial problems, ill-health, advancing age, driver problems, or desire to enter some other business.
- (4) The Taxi Control Board has not considered or proposed any change in its current policy.

13. **ROBB JETTY ABATTOIR***Area*

Mr. W. A. MANNING, to the Minister for Agriculture:

- (1) What is the total area in use by the abattoir at Robb Jetty?
- (2) What area adjoins and for what purpose is it used, if any?
- (3) Is any area held for quarantine purposes and is it now required?

Mr. NALDER replied:

- (1) Approximately 47 acres.
- (2) Approximately 38 acres. This area includes the Owens Anchorage Quarantine Area as defined in the Enzootic Diseases Regulations 1970 of the Stock Diseases (Regulations) Act, 1968-1969. The area is used as holding yards for stock for the abattoir as well as for quarantine purposes as required by the above regulations.
- (3) Answered by (2).

14. **ROAD TRANSPORT PERMITS***Revenue*

Mr. McPHARLIN, to the Minister for Transport:

What were the total amounts received by the Road and Air Transport Commission for the issue of road transport permits for the years ended the 30th June, 1968, 1969 and 1970?

Mr. O'CONNOR replied:

Year ended the 30th June, 1968—  
\$309,672.  
Year ended the 30th June, 1969—  
\$403,934.  
Year ended the 30th June, 1970—  
\$481,746.

15. **CHILDREN'S DAY AND  
SENIOR CITIZENS' CENTRES***Building Subsidy and Discussions with  
Local Authorities*

Mr. CASH, to the Treasurer:

- (1) In regard to the Government's proposals for assisting with the establishment of day care centres for children by providing a maximum building subsidy of \$15,000 and \$3 per child per week towards recurrent expenditure, and for increasing the building subsidy for senior citizens' centres from \$10,000 to \$15,000, is it proposed to hold discussions with shire councils to encourage early commencement of many such projects?
- (2) If so, when will the first of such discussions be held and with which council or councils?

Sir DAVID BRAND replied:

- (1) Yes, where a council requests such discussions. Councils already involved with day-care centres in their districts have been supplied with details of the scheme and have been invited to discuss the proposals. Other councils will be advised of the scheme through a Local Government Department circular.
- (2) As soon as a request for discussion is received from any council.

16. **RAILWAY STATION***Guildford*

Mr. BRADY, to the Minister for Railways:

- (1) Is the old Guildford railway station occupied?
- (2) If the premises are vacant, can they be leased by a local club for social purposes?
- (3) Is there any rental fixed for hiring or leasing of the railway premises referred to?

Mr. O'CONNOR replied:

- (1) A lease of these premises has been granted following the calling of tenders.
- (2) Answered by (1).
- (3) Answered by (1).

17. **LIQUOR ACT***Function Permits*

Mr. JAMIESON, to the Minister representing the Minister for Justice:

With reference to question 30 of Wednesday, the 14th October, 1970, what is the estimated cost to the Licensing Court of the issue of each of the 245 permits referred to in (1)?

Mr. COURT replied:  
\$1.40 per permit.

18 to 20. These questions were postponed.

21. **PRISONS***Number and Population*

Mr. BURKE, to the Chief Secretary:

- (1) What is the total number of prisoners in penal establishments in Western Australia?
- (2) How many penal establishments are in the State?
- (3) Where are they located?
- (4) What is the prison population of each?
- (5) Is he aware that Western Australia has the highest prison population per capita in Australia, and can he give an opinion as to why this is a fact?

Mr. CRAIG replied:

- (1) 1,309.
- (2) 11 prison institutions and five police gaols.
- (3) Fremantle Prison; Albany Regional Gaol; Pardelup Prison Farm via Mt. Barker; Barton's Mill Prison, Pickering Brook; Karnet Rehabilitation Centre, Serpentine; Broome Regional Prison; Geraldton Regional Prison; Kalgoorlie Regional Prison; Wooroloo Training Centre; Bandyup Training Centre (Women), Middle Swan. Police gaols—Marble Bar, East Perth, Roebourne, Wyndham and Onslow.
- (4) Fremantle 471, Albany Regional 76, Pardelup 41, Barton's Mill 108, Karnet 117, Broome Regional 47, Brunswick 17, Geraldton Regional 93, Kalgoorlie Regional 37, Wooroloo 101 and Bandyup 52.  
There are a total of 43 serving in the police gaols and an additional 106 serving in approximately 100 police lockups throughout the State.
- (5) Yes. There are many and varied reasons for this, one of which may well be that our sentencing policies are different in this State.

22.

#### LAND

*Leasing to Midland Brick Company*

Mr. BRADY, to the Minister for Education:

- (1) Has the Midland Brick Company at Middle Swan arranged to lease an area of land adjoining the brick works?
- (2) If so—
  - (a) what area of land is involved in the lease;
  - (b) what was the purpose for which the company leased the land referred to?
- (3) Was the area of land originally set aside for playgrounds for all schools in the area?

Mr. LEWIS replied:

- (1) Yes.
- (2) (a) approximately 6 acres;  
(b) storage of material for brick-making.
- (3) The leased area of 6 acres is part of an area of some 23 acres originally resumed for hospital purposes and subsequently reserved for schools' sportsground prior to the lease agreement.

23 and 24. *These questions were postponed.*

#### CLOSING DAYS OF SESSION

##### *Standing Orders Suspension*

SIR DAVID BRAND (Greenough—Premier) [2.28 p.m.]: I move—

That, until the 31st December, or until such earlier date as may be ordered—

- (1) Standing Order 224 (Grievances) be suspended; and
- (2) The Standing Orders be suspended so far as to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and all Messages from the Legislative Council to be taken into consideration on the same day they are received.

All members are familiar with this motion. It is moved about this time of the session to expedite the business of Parliament. The main purpose is to eliminate the period of two or three days which it takes for one piece of legislation to pass through the various stages.

It is interesting to note that the Premier of South Australia who recently addressed an organisation in Brisbane mentioned some of the traditional stages through which Bills pass. He said that this practice went back to the horse and buggy days when communication between centres was very poor and the public, generally, did not have the opportunity to hear what was intended in Parliament, so it was necessary to take a period of several days.

I have often wondered whether all these stages are necessary. Certainly some notice should be given of the intention to introduce a Bill, but I think we could cut it down in some way. However, for many years Parliament—whichever Government happened to be in office—has taken advantage of this motion to suspend Standing Orders in order to short-cut some of the stages and introduce Bills, some of which are important Bills, which seem to come up at the end of the session.

Mr. Graham: Are there many more Bills? Approximately how many Bills are to be introduced in the balance of the session?

Sir DAVID BRAND: There are about 20 Bills to be introduced. Some of them are associated with the Budget; there are four or five Bills of major importance, and the others are minor Bills.

MR. TONKIN (Melville—Leader of the Opposition) [2.32 p.m.]: I accept that it has been the custom for a motion of this kind to be moved session after session. This motion has been moved only some several days later than a similar motion was moved last year. I do not think a motion of this kind should be moved simply because it has been the custom for many years to move it.

Whilst I agree with a good deal of what the Premier of South Australia had to say about the need for restructuring many of our procedures, I do not accept that it is desirable that the bulk of a Government's legislation should be kept until the last two or three weeks of a session, and that it should then be churned through the House like mincemeat through a sausage machine; because at that stage members are not in a proper and fit condition to give attention to important Bills.

Including the three Bills of which notice is to be given this afternoon, there are only eight Government Bills on the notice paper for consideration at the present time, which is very little more than the private members' business that is on the notice paper. If, as the Premier said, it is intended to bring in an additional 20 Bills between now and the time Parliament rises, that must of necessity mean one of two things: either we shall be sitting inordinately late night after late night, or the Bills will not receive the attention which they should properly receive from a responsible Legislature.

There are two Bills which I think should have been here long ago. The first one is in connection with the setting up of a conservation ministry. Notice was given of this by the Government before March of this year, when it was proposed that a body of women should march on Parliament House to impress upon the Government the desirability of a ministry for conservation. In order to try to prevent the demonstration, the Government, having no more than the idea at the time, came out and announced its intention of setting up a ministry for conservation. Surely it is reasonable to expect that a Bill establishing that ministry would have been presented long ago, so that proper consideration could have been given to the Government's proposals; but it did not even rate a mention in the Budget, and no financial provision was made for it. When asked about the matter, the Premier said it was the Government's intention to take action this session. We can therefore anticipate that that will be one of the Bills which will be brought in later; but how much later? On the last night? When are we to get it?

Mr. O'Connor: You know, yourself, that it will not be on the last night.

Mr. TONKIN: How do I know that? I would merely be guessing. Therefore I asked the question.

A very definite undertaking was also given by the Government that action would be taken to set up some sort of an appeal tribunal in connection with town planning. Notice of that was given almost three years ago, but there has been no sign of any legislation. Is that also to come in in the last week of the session?

I consider that instead of moving a motion of this kind, to enable Bills of this type to be pushed through all stages in one sitting, it would be far preferable to introduce the Bills early and give the Assembly a reasonable opportunity to consider the Government's proposals. I do not think any case at all has been made out at this time for the introduction of the motion now. We could clean up the business that is on the notice paper in a few hours. If, as the Premier said, an additional 20 Bills can be anticipated, he will, of course, need to be able to expedite consideration.

I suggest that we should have an indication from the Government as to the nature of the Bills which are to come forward, so that we can make up our minds whether it is reasonable, in the circumstances, to agree that such Bills ought to be rushed through all stages in one sitting. I agree that this is the type of motion which comes up at about this time year after year, but there is no argument for saying that because it has been done before we will do it whether we need it or not.

I am one who believes that sufficient time should be given for the consideration of Bills. Some members are overloaded at various times. The other night the Deputy Leader of the Opposition had to deal with three Bills in succession. I do not think that was a fair proposition in the circumstances. It could be that, because of the very nature of the Bills to be introduced, one or two members would be required to give consideration to those Bills and deal with them through all the stages in one sitting. I do not think that is conducive to good legislation.

Mr. Speaker, although we will not oppose the motion—not that it would be any good our doing so, because the Government has the numbers, anyhow—I feel that the Government owes it to the Assembly to indicate the nature of the important Bills which are still to come down, and to bring them down within the next few days, not keep them until the last week. I refer specifically to the Bills which are necessary in connection with the establishment of a ministry for conservation and the formation of some appeal tribunal to deal with town planning matters.

**SIR DAVID BRAND** (Greenough—Premier) [2.39 p.m.]: I am absolutely astounded. In the last 25 years, while the Leader of the Opposition's Government and all the other Governments have been in office, I have never heard a Leader of the Opposition make such a speech—although he had every reason to do so during the term of the Labor Premier of the day.

I ask the Leader of the Opposition: When has any Premier got up and given details of the Bills he intended to introduce

in the future? Not once! Is the situation so difficult that we are to be reprimanded in good school-teacher fashion for what we are doing today?

I would like to feel that I have always been fair to the Leader of the Opposition and others opposite. I pride myself on the fact that I have always endeavoured to be fair. I have never endeavoured, by way of a smart aleck trick, to take advantage of my position by pushing Bills through without giving everyone a reasonable opportunity. It goes without saying that from time to time the Government of the day may feel inclined to do that because, as the Leader of the Opposition observed, it has the numbers.

With regard to the proposal to set up a ministry for conservation—and I make reference to the fact that we will introduce a Bill—we did not make the announcement as a result of the march on Parliament—and both men and women were included, not only women. We made the announcement simply because we felt the time had come to do something about the matter. However, every Government would be honest enough to admit that it is often influenced to do certain things as a result of public opinion at the time. This piece of legislation has not been easy to get together. Nevertheless, I would advise that the Bill is practically ready.

As for the Bills we have before us at the moment, some are quite minor. I think over the last two or three years there have been occasions when we have had six or seven Bills on the notice paper and the whole lot have gone through in an hour or so. That might well happen again. Parliament often spends a great amount of time on small Bills, and then puts through a Bill which seems to involve important decisions in a short time.

As far as I am concerned, I have moved the motion because, as I explained previously, it is appropriate to do so at this time every year, and it has been done every year regardless of whether the Government of the day had a great or small number of Bills to be introduced—and that applied to the Labor Government, also.

Question put and passed.

## GOVERNMENT BUSINESS

### *Precedence on all Sitting Days*

**SIR DAVID BRAND** (Greenough—Premier) [2.43 p.m.]: I move—

That, until the 31st December, or until such earlier date as may be ordered, on and after Wednesday, 21st October, Government business shall take precedence of all Motions and Orders of the Day on Wednesdays as on all other days.

This motion simply states what it means; that is, that Government business shall take precedence over private members'

business, and that private members' day will be set aside. I want to give the same assurance I have always given since I have been Premier: that private business on the notice paper will be dealt with at the earliest opportunity.

I am reminded that the Leader of the Opposition said, in speaking previously, that the Deputy Leader of the Opposition had to speak on three Bills in succession. Last night the Minister for Agriculture was here for hours on two motions.

**Mr. Tonkin**: He was not speaking for hours.

**Sir DAVID BRAND**: He was sitting here for hours. The Deputy Leader of the Opposition did not speak for hours, either.

**Mr. Tonkin**: What hardship is it to sit here for hours?

**Sir DAVID BRAND**: The decision was in the hands of the Minister for Agriculture; if he wanted to speak for a long time, well and good. I give private members an assurance that they will have the opportunity to discuss the business on the notice paper in reasonable time.

**MR. TONKIN** (Melville—Leader of the Opposition) [2.45 p.m.]: What I said in regard to the previous motion applies more or less to this motion. However, it was not said with any intention of getting under the Premier's skin—

**Sir David Brand**: Well, you did.

**Mr. TONKIN**: —although obviously that was the result. The Premier said that he moved this motion because it is appropriate to do so. What makes it appropriate? Simply because it has been done year after year?

**Sir David Brand**: That is right.

**Mr. TONKIN**: I do not agree. I think necessity makes it appropriate, not precedence or custom. The fact that something is done year after year and session after session does not make it appropriate.

**Sir David Brand**: When I move the motion next year I will not mention the reason.

**Mr. TONKIN**: There is no need for me to comment on that. I simply remind the Government that if due time is given to the private members' business on the notice paper at the moment, that business would take up more time than the Government business. Therefore, it would seem that prudent management would determine that, as matters stand at present, it is not necessary to take away Wednesdays from private members, but that private members' business might be debated on those days without causing any obstruction to Government business.

However, I accept the assurance of the Premier that ample time will be provided for the discussion of private members'

business. I will say this: It was my intention to give notice of motion of some private members' business which I felt obligated to deal with. But when the Premier indicated to me—and I thank him for his courtesy—that it was his intention to move this motion I took no action to give notice of motion out of consideration to my colleagues on this side of the House, and also out of consideration to the desirability of giving attention to Government business. I shall not take any action in that regard as it would be unfair to those who have business on the notice paper already, because notices of motion take precedence. Had the Premier not told me of his proposal I would have gone ahead and given notice, as I was in readiness to do so.

I believe it is not a sufficient argument to say that the Government moves a motion of this kind because it is appropriate to do so. I think the motion should be moved when it is necessary to do so. We have Standing Orders which set down the form of business. They have been thought out over a long time and have been designed, ordinarily, to ensure that reasonable time and proper attention will be devoted to matters brought before Parliament.

When we suspend Standing Orders for the purpose of doing away with the provisions which have been made, the inevitable result must be an accumulation of business at a time when there is insufficient time to deal with it. So we get legislation being pushed through and the ultimate result is that more than likely we get Bills brought before us the following session to remedy things which should have been detected when the legislation was given attention in the first instance.

So it is all very well for the Premier to talk about what past Governments did or did not do; that has nothing to do with it. I am entitled to say what I believe ought to be the method adopted for the management of the Parliament as I see it now; not as somebody, some years ago, saw it in the then existing circumstances; and I repeat that, in my opinion, a motion such as this should be moved only when it is absolutely necessary; when the state of the notice paper is such as to require that if some action is not taken to expedite the business before the House it will be impossible to close Parliament before Christmas.

Now possibly the Government has in mind some urgent necessity to close Parliament as quickly as possible.

Sir David Brand: Which I gather is not an unfavourable idea.

Mr. TONKIN: Of course, I know the Government wants it that way.

Sir David Brand: Private members do, too.

Mr. TONKIN: But Governments have to put up with that; that is according to our system of government. However, I say this, also, that when we were in Government the present Government, which was then in Opposition—or several members of it were—certainly exercised its rights and discharged its responsibility as an Opposition, irrespective of what the Government of the day thought about it, and that is what I am doing; I am saying what I think should be said—

Sir David Brand: Hear, hear!

Mr. TONKIN: —and indeed I will continue to do that regardless of whether it gets under anybody's skin in the process.

Sir David Brand: Hear, hear!

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [2.52 p.m.]: The purpose of my rising is to make a request to the Premier. I appreciate that this is the usual procedure he has followed and I acknowledge his undertaking: that private members who already have items on the notice paper will be given an opportunity to have them debated. There is nothing unusual in that, and I think we all appreciate that private members' business, if it is placed on the notice paper after the passing of this motion, stands a slender chance of being debated unless it proves to be something exceptional; and I repeat that members accept that situation.

The appeal I make to the Premier is that there are a number of items which come under the heading of private members' business, including Bills, already on the notice paper, and they are as important to the members who are responsible for them as are Bills which have been introduced by Ministers. I think that not only should an opportunity be granted for private members' business to be debated, but a reasonable opportunity should be given at a reasonable time. I say that because members may recall that within the last couple of years I gave notice of my intention to introduce a Bill on the day Parliament opened, but it was not debated until a little after midnight on the last day of the parliamentary session. I do not think that is fair.

The position is that we have taken advantage of the opportunities that are open to us, the questions are brought before the Parliament, and instead of being left to the dying hours of the session I think they are entitled to be considered within a reasonable time after Parliament meets, because we all know the situation in the closing hours of Parliament. The comments I have made, and the example I have given are not put forward in any criticism of the Government; but there must be opportunities arising from time to time, especially in view of the fact that

there is virtually a ban on new private members' business, for the Government, without greatly upsetting its own plans, to allow private members' business already on the notice paper to be dealt with on Wednesdays until it is disposed of.

Mr. Nalder: You know the reason why that was done; an explanation was given last year.

Mr. GRAHAM: I am not making these remarks in criticism of the Government, but Bills are delayed for the very reason mentioned by my leader. Last Wednesday week the whole of the evening was spent on introducing a couple of motions, notice of which had been given the day before. However, I am not being critical of that. Yesterday private members' day came round again and the whole of the time was spent debating motions, and Bills appearing on the notice paper did not get their turn. Indeed, Mr. Speaker, you and I had some discussion on that matter and the onus was on me to make some submission in writing. It will be appreciated that Bills and motions will never be dealt with on private members' day if every week fresh notices of motion are to be given on the Tuesday, and, if speakers take advantage of the time available to them, the whole of private members' day is occupied on introducing those motions and the following week two or three entirely new motions are again introduced and the same process is repeated.

Mr. Rushton: The members are blushing.

Mr. GRAHAM: I repeat that this is not said in criticism of the Government or of private members; they have a job to do and they do it. However, there is an anomaly in the fact that something that is already on the notice paper can be blocked out completely. That is unfair and it is a matter to which the Standing Orders Committee might give some attention. Anyhow, the purpose of my remarks this afternoon is to request the Premier, if possible—I know there are a number of important Bills on the programme—to ensure the Government will provide opportunity for private members to deal with their Bills at times other than in the dying hours of the session.

SIR DAVID BRAND (Greenough—Premier) [2.57 p.m.]: This is a fair enough request, and I have always endeavoured to deal with private members' business—particularly legislation—within a reasonable time. The instance referred to by the Deputy Leader of the Opposition has been explained, and there was reason for it.

In my experience it is very difficult to decide how long Parliament will sit, or how long it will take to dispatch its business. During this session reference has

been made that we will be here until Christmas. I have carefully avoided any mention of the closing date, because it is difficult to assess. However, it has been my experience that as we near the end of November practically every private member on both sides of the House, and also the Ministers, are anxious for Parliament to set the closing date and to rise within a reasonable time.

Question put and passed.

### BILLS (3): INTRODUCTION AND FIRST READING

1. University of Western Australia Act Amendment Bill.

Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

2. Western Australian Tertiary Education Commission Bill.

3. Murdoch University Planning Board Bill.

Bills introduced, on motions by Sir David Brand (Premier), and read a first time.

### GOVERNMENT RAILWAYS ACT AMENDMENT BILL

#### Third Reading

Bill read a third time, on motion by Mr. O'Connor (Minister for Railways), and transmitted to the Council.

### EDUCATION ACT AMENDMENT BILL (No. 2)

#### Second Reading

MR. LEWIS (Moore—Minister for Education) [3.02 p.m.]: I move—

That the Bill be now read a second time.

At the present time career positions in teachers' colleges are restricted to applicants in the service of the Education Department. This Bill has been brought down to enable these positions to be filled by open advertisement.

Obviously, the standards of our colleges depend primarily on the quality of the staff. This is presently being affected both by the current system of appointing college lecturers from within the department and the unequal competition of other tertiary institutions which are drawing on the same pool of qualified people by open advertisement and are in a position to offer better remuneration and conditions.

While the salaries and conditions of the academic staff of the colleges are tied to awards governing Government school teachers and are subject to appeal to the teachers' tribunal, the department is unable to meet this competition. In the light of this situation the tertiary education committee, under the chairmanship of

Sir Lawrence Jackson, recommended that teachers' colleges be withdrawn from departmental control.

In making this recommendation, however, the committee pointed out that considerable strains were being experienced by the Education Department due to staff shortages and, therefore, undue haste in bringing about such a change could result in disaster.

Nevertheless, since there is no sign that the problem of staffing schools will ease during the next 10 years, and staffing problems of teachers' colleges operating on the present pattern could be expected to worsen, the committee recommended that planning start immediately for the removal of teacher education from the administration and control of the Education Department.

In 1969 the Tertiary Education Commission was established and the Jackson committee's recommendations relating to teacher education were referred to it for examination and subsequent report. Following the hearing of evidence from a number of sources, and after careful consideration, the commission recommended as an urgent step that appropriate sections of the Education Act and its regulations be amended to enable the recruitment of staffs of teachers' colleges to be made by open advertisement, not subject to appeal to the Government School Teachers' Tribunal.

In support of this recommendation the commission quoted from the 1964 report of the Martin committee. This committee was set up by the Commonwealth Government to examine and report upon the future of tertiary education in Australia.

The extract quoted by the Tertiary Education Commission reads as follows:—

The committee is aware of the limitations which are placed upon the recruitment of staff for teachers' colleges conducted under the auspices of departments of education, but acknowledges that, despite these limitations, many persons of quality are appointed to them.

Nevertheless, the committee considers that, if it were possible to remove such restrictions, departments of education, on the one hand, would have a much wider choice in the matter of staff selection while, on the other, positions on the staffs of teachers' colleges might prove more attractive to men and women with the desirable qualifications.

The principle of advertisement of staff positions over as wide a field as possible is regarded by the Martin committee as fundamental to the development of a vital programme of teacher preparation.

The autonomous colleges will recruit their staff by open advertisement and each department of education will recruit staff through open advertisement for the colleges for which they are responsible.

The Tertiary Education Commission also resolved that, as a matter of developmental policy, teachers' colleges be given the opportunity and be encouraged to progress towards becoming autonomous colleges of advanced education.

This latter recommendation has been accepted in principle and it is considered that the most practical first step towards implementing the policy is to amend the Act and regulations as suggested to allow for open advertising over as wide a field as possible.

Apart from New South Wales, where the position is complicated by certain regulations, there is open advertising in the other States and in New Zealand, although it is true that in some States applicants from within the department still retain a right of appeal.

The Education Department supports the commission's recommendations for the open advertisement of career positions in teachers' colleges, primarily for the reasons I have just referred to, but there are a number of other advantages in support of the change.

For example, many departmental teachers who have resigned to further their studies and experience overseas are at present debarred from appointment to college staffs.

A number of inquiries has been received from ex-teachers of the department who have been lecturing for varying periods in overseas teachers' colleges. It is hard to find any logic in a situation which precludes them from possible appointment to our own colleges. The present system also results in in-breeding. Practically all of the lecturers in the teachers' colleges are a product of the State system and have had little experience of education elsewhere.

The staffing needs of the teacher education division are also a constant drain on the secondary division, which itself is experiencing a serious staffing shortage. This is further aggravated by open advertising by the other States which are in a position to attract some of the department's best staff. It is necessary for Western Australia to be placed on the same basis in order to enable it to compete.

The Bill before the House will amend the Act to enable future vacancies or new items on the staff of any teachers' college to be advertised outside the department. There will be no right of appeal against these appointments.

Another provision of the Bill concerns the compulsory leaving age. This is at present the end of the year in which a

student turns 15 and normally would ensure a minimum of three full years of secondary education.

There is also provision in the Act to enable the Minister to grant exemptions from school below this age where he is satisfied that it is in the best interests of the student and that there is suitable employment available.

Exemption may also be granted where a student below the statutory leaving age has completed three years of secondary education and desires to leave school to enrol for a full-time vocational course, such as is offered by a recognised business college. This latter proviso has very little application as almost all students who have completed three years of secondary education are already beyond the statutory leaving age.

Each year, however, there are some girls who have not completed three years of secondary education who wish to attend business college in order to gain some specialised training before seeking employment. They cannot be given an exemption for this purpose at present and so they resort to applying for exemption to take up employment.

If they receive this exemption then they are quite at liberty to leave their employment immediately and enrol at a business college. Exemptions once granted cannot be withdrawn and therefore the department has no authority to return the child to school.

There is a number of cases referred to me each year where I sincerely believe that, for any one of a number of reasons, the child's interests would best be served by permitting her to leave school and enrol full-time at an approved business college. This Bill will amend the Act to make such exemptions possible after completion of two years of secondary education.

I turn now to the alterations announced by the Premier in his Budget speech concerning Government subsidies to the independent schools. These are to be replaced by a system of direct annual grants, the amount to vary according to the size of the school. For example, the maximum annual grant of \$700 will apply to secondary schools with more than 300 students, or combined primary-secondary schools with more than 300 students of whom at least 150 are secondary students. At the other end of the scale, any school with 100 students or less will receive an annual grant of \$300.

The new system will benefit both the department and the schools. The department will be relieved of the considerable administrative problems associated with subsidies and the schools will have a much greater flexibility in their spending. More importantly, it will mean that every

school, no matter what its financial resources may be, will receive the full amount of assistance to which it is entitled.

This, of course, does not obtain under a subsidy scheme where a school must first raise a percentage of the cost before it can attract a Government contribution. Before the grants system can be implemented it requires legislative approval, and the necessary amendment has been included in this Bill.

The Bill provides for the introduction of a system of grants as from the 1st January, 1971, while still retaining the existing subsidy on swimming pools and interest payments on loans for approved residential buildings. Other forms of assistance now being provided by the Government to independent schools will not be affected.

Debate adjourned, on motion by Mr. Jamieson.

#### *Message: Appropriations*

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

### **WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 13th October.

**MR. FLETCHER** (Fremantle) [3.13 p.m.]: In accordance with my usual practice and custom, I circulated copies of this Bill to the Merchant Service Guild, the Institute of Power and Marine Engineers, the Seamen's Union, the Maritime Workers' Union, the Fremantle Fishermen's Co-operative Society, the Fishing Fleetmasters' Association, and the Australian Fishing Industry Council asking those bodies for their comments or for any reservations they might deem necessary to express, so that I can convey them to this House on their behalf.

In view of the fact that the Bill has been brought forward for debate today, naturally there has been very limited opportunity for these organisations to reply. With the exception of one they have not replied. The reply I received is from the Fishing Fleetmasters' Association. I shall make reference to the comments of this association at a later stage.

The Bill seeks to repeal sections 81 to 84, and a portion of section 85 of the Act; and to rewrite the provisions which are to be repealed. The provisions have been rewritten as a consequence of a recent conference of State and Commonwealth navigation authorities, and also as a consequence of international conventions which have been held to deal with the subject of load lines.

It appears that all the authorities desire uniformity in respect of load lines and of the regulations relating thereto, on an international basis. I thought the Plimsoll mark was adequate for this purpose. The Bill does not make reference to the Plimsoll mark as such, but it does allude to it, presumably as a load line.

The Plimsoll mark copes with seas of varying temperatures. Originally there was only one line through the Plimsoll mark, but now there are two lines. No doubt, the House is aware that ships travel in the different seas of the world and in waters of varying salinity. As a consequence the varying temperatures and salinity can make a difference to the level at which a vessel floats. Originally there was one horizontal line, but now there are at least two lines.

I would like to give some historical background to the Plimsoll line. This is named after Samuel Plimsoll who was the member of Parliament for Derby in England. He was largely responsible for the passing of the Merchant Service Act of 1876. He was called the "sailors' friend."

Samuel Plimsoll was opposed to the use of unseaworthy ships, to the overloading of unseaworthy ships, and to the undermanning of them by unscrupulous owners. Those ships, which were known as sea coffins, were often sent out to sea; and they were insured for exorbitant amounts by their owners who did not care whether the ships floated or sunk, because generally the ships carried innocuous cargoes. The owners were not concerned whether the skeleton crews which manned those ships became skeletons in the literal sense, when the ships sunk. Samuel Plimsoll was a great social worker who introduced the Plimsoll mark on the sides of ships.

Mr. Gayfer: Was he a member of the Conservative Party?

Mr. FLETCHER: I shall refer to that later. He tried from outside Parliament, and subsequently from inside Parliament, to have legislation passed. The Bill of 1876 was successful in its passage, after Plimsoll had published in 1873 a book entitled *Our Seamen*. There were public demonstrations in support of his cause, and eventually the Bill was passed.

From some research I have made I noticed that a penalty of £300 was prescribed in that legislation. This shows the sense of values in those days: a penalty of £300 for possibly causing the loss of life!

The Plimsoll mark, so declared, is a circle on the sides of a ship. It is 12 inches in diameter, with an 18-inch line drawn through the centre. Besides this 18-inch line there are now other lines drawn within the circle, for the reasons I mentioned previously—different salinities of the seas and different temperatures of the waters in which ships sail. As Western Australian

ships will be confined to waters along the coast of this State they may or they may not have two lines on the Plimsoll mark.

In answer to the interjection of the member for Avon, I would point out that Samuel Plimsoll, the great reformer, was a liberal in the true sense, and not a Liberal as is known in Australia. I do not say that with any discredit to the Liberal Party, but in the days to which I am alluding the Liberals were either ultra-conservatives or liberals in the true sense. The Liberals of those days could be likened to the members on this side of the House; in other words, they were reformers. So, I would like to say that this great reformer, Samuel Plimsoll, was one who supported causes which safeguarded the safety and welfare of men who go down to the sea in ships—and not down under the sea in ships.

The Act provides for the marking of ships for coastal trade in excess of 80 tons. Those under that tonnage do not have to be marked with the load line except as provided in the Bill. Some indication of the depth to which the craft can be loaded is essential and I can only assume the proliferation of small craft on our coast has been responsible for these amendments submitted by the Minister. I am referring, of course, to the craft associated with industries—crayfishing, iron ore, salt, and others—on our coastline. The conditions which apply today did not apply in 1948.

Under paragraphs (a) to (d) of proposed new section 81, the types of vessels to be marked are enumerated. Paragraph (b) would cover the large fuel barges in our harbours and this, I believe, requires some comment. Members will recall the *Norwhale*, which was an oil barge which sank in Fremantle Harbour. Its contents flooded into the harbour and were carried by the tide up the river. The harbour and river were polluted much to the consternation of the Swan River Conservation Board and the local authorities which were involved when the oil was deposited on the coastline or shoreline in their areas.

The same thing could happen on a bigger scale in Cockburn Sound and other harbours and ports in the north unless barges and oil tenders are loaded in accordance with the provisions laid down in this Bill.

Clause 3 refers to the taking of fish, and I have no doubt that crayfish is included. I am quite confident, for example, that craft which transport crayfish in bulk from the Abroholos to Geraldton will come within the ambit of this Bill in respect of marks. It is quite easy for those who transport this fish to put on a few extra bags and as a consequence endanger themselves and the catch. Therefore it is very necessary that such craft be marked in order to prevent such a situation occurring.

I do wonder, however, how the department will be able to police all the craft in the fishing industry which come within the ambit of this Bill. I know personally

of crayfishermen who take risks. If a fisherman has a 30-foot boat he is entitled to 90 pots. On one trip he might try to transport those 90 pots from ground A to ground B and, in so doing, upset the centre of balance of the craft, because of the extra weight involved when the pots are wet. I have known of tragedies, as no doubt have other members, as a result of this type of action. The boat has turned turtle as a consequence of being loaded down with wet pots. I have no doubt that this particular provision is to provide protection against such contingencies.

However, I still wonder how the department will be able to watch the activities of foolhardy people who take such risks. I agree that they must be protected against themselves and I would like to think that the department had the requisite craft to watch this type of activity, not only in Fremantle, but in all fishing ports to the north and south. For want of a better word, the craft is built like a salt castor. If it is turned on the side, the weight of the base will bring it back to a vertical position. That is how it is supposed to be. However, owing to man's foolhardiness in loading above the waterline, a top-heavy condition is achieved.

In this connection, when I look at the container ships in our harbour, I often wonder, how the naval architects were able to design the vessels in such a way to allow heavy weights so high above the watermark, while still retaining the seaworthiness of the vessel. When I see them come into the harbour I imagine what a degree of angle of roll could exist with such a load above the watermark. However, I have no doubt that the naval architects have studied that aspect which has nothing to do with this Bill. I do not imagine the Minister's staff will be putting markings on ships of that particular type.

The provision for regulations is rewritten and, as I have said, these regulations are difficult to police at sea where fishermen will take risks.

There is also provision for exemptions, apart from those involving up-river craft. Exemption will be allowed in certain areas, which is the best way I can put it, when the application of the regulations is impracticable. However, alternative conditions are set down which must be imposed to ensure the safety of those on board such craft.

The Governor is authorised to appoint competent authorities to survey vessels on behalf of the department. This is done on a Commonwealth scale and our State department already supervises and surveys small craft. The duties of these officers undoubtedly will be increased to an extent comparable with the Commonwealth Navigation Act.

I circularised certain people to obtain their views on this Bill and I regret that it has not been possible for them to communicate with me. However, if they have any reservations about, or opposition to, the legislation I know the Minister will ensure that an opportunity is given for any such reservations or opposition to be expressed in another place.

The Bill appears to project Samuel Plimsoll's ideals to additional craft, and this appears very desirable. We on this side of the House need to be vigilant, having in mind recent amendments relating to regulation 102 under the Western Australian Marine Act, which exempted all sorts of craft associated with development on our coast. It also applied to local and overseas ships. However, I see no such intention under this Bill. On the contrary, I interpret it as a measure which will afford benefit to large and small ships on our coast.

I undertook a few moments ago on the telephone to make reference to a comment made by a representative of the Fishing Fleetmasters' Association in connection with paragraph (b) of proposed new section 81, which deals with vessels exceeding 15 tons gross. The president of the association, who is a very capable man who looks after his men in a splendid fashion, said that he would prefer this paragraph to contain the words "exceeding fourteen meters." That would be 45 or 46 feet. The president has discussed this matter with the Harbour and Light Department and presumably one of its officers expressed the same opinion. He asked me to pass on that information. I believe he has a good case because inevitably the metric system will one day be adopted here. Of course, it will then apply not only to craft but to all sorts of items and commodities.

Mr. Ross Hutchinson: There would be no practical difficulties except in a conversion at some time.

Mr. FLETCHER: That is so. However, I undertook to pass on the opinion of this particular very capable gentleman, and this is why I have raised the matter.

I cannot see anything wrong with the Bill which seems to ensure the safety of those who sail our coastal and harbour waters; and as a consequence I support it.

MR. TAYLOR (Cockburn) [3.30 p.m.]: As the Minister advised when he introduced this Bill, it is proposed to amend division 6 of part V of the Western Australian Marine Act, to enable the State to comply with the recommendations of a recent conference of Commonwealth and State navigation authorities. The Bill will bring about uniformity in the assignment of load lines to certain classes of ships, and it is also hoped, by the

adoption of regulations, to make ships safer and diminish the amount of pollution which is likely to occur.

Briefly, five sections of the Act are to be amended: sections 81 to 85. Sections 81, 84, and 85 are to be reworded to tidy up the Act and, as the Minister suggested, to bring the Act up to date. The amendment to section 82 will involve a major change because regulations will be introduced to cover a new group of ships—those below 80 registered tons and above 15 registered tons.

The amendment to section 83 of the Act will give the Minister the prerogative to exempt certain vessels under certain conditions, and I think this amendment is worthy of comment. The member for Fremantle agreed with the provisions contained in this amendment, and I also agree with them but I will make one or two points in relation to them. The background of the Bill is worthy of some mention, but I will not go back to Samuel Plimsoll as did the member for Fremantle.

The Acts under which shipping operated until 1948 were some 12 in number. Not only did we have those 12 Western Australian Acts, but we also had the English maritime Act. Those Acts were consolidated in 1948 and presented to the House in the concise form which we now have in the Western Australian Marine Act. The Bill was presented in this House by a Liberal member—with a capital "L"—but it was compiled by a Labor member—with a capital "L"—in the years just prior to 1948. The Bill was the work of a former Premier and member for Gascoyne, Mr. Frank Wise. He was responsible for consolidating the 13 Acts to form the one Act we now have on the Statute book.

The Act contains nine divisions, 220 sections, and two schedules, and it is a worthy piece of legislation which is very necessary in a State such as Western Australia. It is important that the present measure be passed because within the last two years there has been considerable loss of life in Australian waters. The *Noongah*, of Sydney, sank with the loss of 23 lives, and the *Sedco Helen* sank with the loss of nine lives. The *Sedco Helen* was a small ship of just over 80 tons, but this type of ship will appear in increasing numbers on our coast.

Only two months ago the Federal Minister for Shipping and Transport, Mr. Sinclair—

Mr. Gayfer: Of the Country Party—with a capital "C."

Mr. TAYLOR: I will accept that interjection without comment. As I was about to say, Mr. Sinclair said that he was preparing legislation to tighten the Commonwealth Act because of the anomalies it contained.

The Minister for Works, when he introduced this measure, said the amendments were timely. I agree with the Minister, with the added comment that perhaps some of the amendments could have been introduced a little earlier. We see an increasing number of small ships working along our coast and these ships will proliferate in the future. New ports have been constructed at Barrow Island and Dampier, and our existing ports are expanding at a terrific rate. I refer to Bunbury, Esperance, Port Hedland, and Cockburn Sound. Oil exploration is increasing off our coastline, with two oil rigs operating at the moment and two more scheduled to join them. Mineral sands claims have been pegged along the coast. A new port has been suggested at Port Warrender on the Mitchell Plateau in the north. There is also talk of development at Rottnest Island, and in the Murray Estuary.

The development which will take place will involve small ships of under 80 registered tons. That will be the size of the ships which will carry the bulk of the materials to the projects, and it is necessary to have regulations, such as those we now have before us, put into operation. My comment that perhaps the regulations should have been promulgated earlier was prompted by information which is available to most people in the Fremantle area.

I refer to the fact that one use of some small boats in the Fremantle area is to take bulk oil to vessels in the harbour, and in Gage Roads. The small boats which are used for this purpose do not have load line markings, and there is no indication of the quantity of oil which they may take on. I have it on good authority that on occasions the Harbour and Light Department officers have requested that some of these vessels return to their berths for the purpose of unloading some of the bulk oil cargo. That action has been taken because the small boats appeared to be unsafe.

The problem is: Who decides whether or not a vessel is overloaded in those circumstances? I remind members again that the small vessels are taking bunkering oil to ships within the harbour, and just outside the harbour, and no-one can say at the moment that they are being overloaded. With the growth of the harbour the need for such bunkering facilities will increase, as will the hazard. For that reason it is necessary that the proposed regulations be put into force to reduce the danger of oil spillage.

The member for Fremantle mentioned the incident of the *Norwhale* which foundered in Fremantle Harbour three or four years ago. That vessel foundered because it was overloaded. It was carrying bulk oil from a Naval ship and capsized in the harbour. To the consternation of all the oil escaped from the vessel and polluted the harbour and the river. We are bunkering ships at Port Hedland from oil

tankers, as we do in Fremantle, and this practice must increase. For that reason the regulations will be most timely.

The policing of the regulations will present a problem. As I have already mentioned, a growing number of small boats are working along our coastline. Also, the mineral resources along our coastline are being developed. We are continually hearing of proposals for new private ports for the export of alumina from the Swan Valley, for the export of natural gas, and for various iron ore projects in the Dongara area. Certainly, a port will be built at the Mitchell Plateau for the export of alumina.

It appears to me that the Harbour and Light Department may find it quite difficult to police the proposed regulations. Certainly it would appear necessary to increase the size of the department so that the regulations can be policed. It does not require much imagination to assess the feelings of the crew of a vessel, or the feelings of the workmen unloading machinery and material, when they are trying to get the job under way. If the materials are being taken to shore by lighter, the tendency would be to overload the lighter so that the men could get ashore as quickly as possible.

Surely the purpose of the legislation is to make sure that ships are not overloaded and that no loss of life or valuable material occurs. Therefore, extra manpower must be made available to the department to ensure that the regulations are policed. One needs only to make reference to road transport operators who are tempted to overload to get the job done. Overloading a road transport vehicle may cause damage to roads or to vehicles, but overloading a ship at sea, even a small lighter ship, is a different proposition altogether.

The Bill also proposes to repeal and re-enact section 83. The re-enacted section will allow the Minister to grant exemptions and to make regulations with regard to types of vessels or individual vessels which may come within the scope of this section.

Of course, this places a very great responsibility upon the Minister. Members in this Chamber have become increasingly aware over the last half a dozen years of the use of ministerial exemption, particularly in connection with new development. I refer to the exemptions which may be granted in respect of mining and other operations.

The Minister will be given the opportunity under this legislation to grant exemption. I believe a company could be quite tempted to ask for exemption if it had a major project in hand and wished to speed up the job. Indeed, a whole area may ask for exemption through costs or

other factors; or, if not for exemption, certainly for some relaxation of the regulations. I consider that any Minister, regardless of his political allegiance, would show complete responsibility in dealing with requests. Nonetheless, it places a great responsibility upon the Minister which, under normal circumstances, is covered explicitly by an Act.

In general, I support the Bill. The regulations, particularly in regard to small ships, are very timely. Perhaps they could have been introduced a little earlier but certainly they will be in time to catch the bulk of development. I do suggest, however, that the Minister exercise his powers under section 83 with the utmost discretion. I support the measure.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [3.42 p.m.]: I appreciate the remarks made by both members to the second reading debate on this measure. It is quite obvious that both support the principles. Indeed, each member commended the legislation in no uncertain fashion. This is not to be wondered at, because the provisions are designed to try to avoid marine casualties and, incidentally, to obviate possible loss of life and property, as well as possible pollution of areas which come within the jurisdiction of harbour and coastline authorities generally. It is hoped that this will be achieved by bringing into operation the uniform code relating to load lines in lesser classes of ships than those which came within the load-line jurisdiction in former days.

The only mild criticism from the member for Cockburn was that this legislation could, perhaps, have been brought in a little earlier. Certainly he said that its introduction was timely. I suppose it might have been possible to bring it in last session, I do not know. It is a question of introducing legislation when it is possible, all things being taken into consideration. I certainly lost no time in bringing the legislation before the Chamber.

The same honourable member mentioned the repeal and re-enactment of section 83, which will confer upon the Minister certain powers in respect of granting exemptions. Personally I think this is a wise provision, even if it casts a good deal of responsibility upon the Minister. It enables a Minister to determine certain issues where certain circumstances were not foreseen at the time the regulations were drawn up or the legislation passed. As far as I am concerned any decision I make on exemptions will be made with full regard to all factors which surround a particular instance.

*Sitting suspended from 3.45 to 4.04 p.m.*

**MR. ROSS HUTCHINSON:** There are only one or two comments that I wish to add to what I have already said. The first concerns the policing of these new regulations which will apply to the new categories of craft. I appreciate that it is always difficult to police regulations adequately. However, the Government is endeavouring to increase the number of craft that carry inspectors to and fro in an endeavour to locate those who do not carry out their responsibilities under the terms of the regulations. I can only say that the inspectors at all times endeavour to prevent accidents before they occur. I thank members who have spoken in support of this worth-while piece of legislation.

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 Mr. Ross Hutchinson (Minister for Works), and transmitted to the Council.

**PETROLEUM (SUBMERGED LANDS)  
ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 24th September.

**MR. BERTRAM** (Mt. Hawthorn) [4.08 p.m.]: Mr. Acting Speaker (Mr. Williams), I support this measure and propose to speak for only a few moments. It is something like 20 years ago that offshore oil drilling was commenced. I think that at that time the most that could be undertaken was to drill in very shallow water, perhaps to 40 or 50 feet, or something of that order. I understand that these days drilling goes on at depths up to 500 feet and more. There has been a tremendous increase in activity in offshore mining for oil and gas over the last decade, and it will continue to increase. I understand that the great bulk of reserves of oil is to be found offshore.

The question arises as to who is to make valid and enforceable laws in respect of offshore drilling operations. Is it the State? Is it the Commonwealth? Is it both? Or is it some other body altogether; and if so, who? The parent Act which is now to be amended was enacted in 1967 as a result of the co-operative efforts of the State and the Commonwealth.

What could have happened is that the States and the Commonwealth could have embarked upon very costly and protracted litigation so that the highest courts in the land might have determined in whom the legislative power resided. However, as I have said, the States and the Commonwealth elected not to do that, but rather to work in co-operation as a team. As opposed to competition, each State of the Commonwealth, and the Commonwealth Parliament, set about enacting identical—or well-nigh identical—legislation which has been referred to as mirror legislation. As far as I can ascertain that legislation has worked very well.

One of the most important things it has achieved is, of course, certainty of title to those people who invest many millions of dollars in setting up oil-drilling rigs and doing other work offshore in the search for and exploitation of oil. In his second reading speech the Minister said that the authorities in Victoria believe that certain amendments should now be made to the parent Act to improve it and make it clearer. He went on to say that whilst the other States did not necessarily accept the proposition put up by the Victorians, they agreed that the main requirements sought by the Victorians would do no harm. So, in a spirit of co-operation which, as I have said, was the case in 1967, I understand the other States are dealing with measures similar to this. Hence we are considering this Bill today. As I have said, I support the measure since it is designed to render more free from doubt the provisions of the parent Act.

**MR. BOVELL** (Vasse—Minister for Lands) [4.13 p.m.]: I would like to thank the member for Mt. Hawthorn for his support of the Bill. As he said, the parent legislation was enacted in 1967 and I had the responsibility, on behalf of the Minister for Mines, of asking this Chamber to accept it. I believe that from time to time amendments will be necessary as the result of discussions between the various States and the Commonwealth. In my opinion this is a partnership exercise and although I believe there are some proposals for Commonwealth legislation in regard to offshore activities, I think this State has its sovereign rights and the matter is one of negotiation and understanding between the Commonwealth and the State. I again thank the honourable member, and the Opposition, for their acceptance of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

# CRIMINAL INJURIES (COMPENSATION) BILL

*Second Reading*

Debate resumed from the 16th September.

**MR. BERTRAM** (Mt. Hawthorn) [4.16 p.m.]: This is both an important and an interesting social measure, one which is designed to provide compensation for people who suffer injury in consequence of criminal activities. It involves, of course, a sizeable break from the traditional and conservative attitudes; but it is most acceptable to those who believe in anything savouring of humanitarian legislation. The worth-whileness of an egalitarian society is, I suppose, open to debate if it is to be taken to its ultimate; but to the extent that that type of society means equality of opportunity for people, wherever that can be possibly, prudently, and reasonably given, I am a great supporter of it.

For instance, I do not think a person's opportunities for proper education so that he might blossom forth and make an adequate contribution to society should be limited by good luck or, perhaps, the wealth or initiative of his parents, if that can possibly be avoided. It is only a short line to draw from there to say that I do not think that people who, by pure mischance, find themselves caught up in a criminal activity and who are maimed for life, or have their lives ruined, should be left to bear the whole of the burden. It is not their fault at all, but purely an inadvertent mischance or, to put it simply, bad luck.

This Bill seeks to avoid that type of situation. Clearly, as the result of the limitations which are placed on the compensation proposed to be paid under this Bill, many people will not be compensated at all but will receive only a token. However, the main point is that we are making a start and in my opinion a most excellent and worth-while principle is involved.

The Right Hon. Lord Shawcross, Q.C., is reported to have said the following words a few years ago:—

But the twentieth century has seen many departures from traditional attitudes and an increasing acceptance of the view that it is the responsibility of the State or the community as such to concern itself with the welfare of the individual and that the individual has corresponding rights against the State and need no longer rely on the Poor Law to save him from complete destitution. State education, industrial injury and health payments, the National Health Service and so forth are matters now taken for granted. No

great philosophical revolution is therefore required for an acceptance of the simple principle that the innocent victim of violent crime should be entitled to compensation from the State for his personal injuries.

Of course, for centuries the State has done all it can reasonably do to punish those people who commit crimes, but it has done very little to help those who suffer as a direct consequence of those crimes. It is interesting to note that the approach being made in this Bill in regard to the payment of compensation is very different from that which is made under the provisions of the Police Assistance Compensation Act, which was before this House only a few years ago. There is a completely different scale and a completely different approach to the measure of compensation that seems to be envisaged.

A person with injuries, therefore, could find himself, under the Police Assistance Compensation Act, getting one award, and another person, with identical injuries, seeking relief under this legislation when it becomes law, could get a completely different award. It could be that the person who was injured and seeking relief under this legislation was the person who assisted a policeman on a prior occasion and an evening-up process was being administered against him. One could never prove that type of situation. He is seeking relief for helping a police officer, but on a different scale.

I would like the Minister to explain the reason for the completely different scale and a different approach altogether, knowing that in New Zealand a tribunal was set up which in some ways would be analogous to the Workers' Board which was entrusted with the responsibility of granting compensation to people who were injured after going to the assistance of a police officer. I would also be interested if the Minister would indicate under which Act a person would make his application—this proposed one, or the Police Assistance Compensation Act—after he had been injured as a result of his going to the assistance of a policeman.

Does there rest within the injured person the election to make application under one Act or the other, or does he have to make his application specifically under one Act? There are quite a few people who take the view that, instead of seeking the relief sought to be granted under this legislation, it should be pursued more directly along the lines of the Police Assistance Compensation Act.

What this legislation envisages is that where a person has been tried, whether convicted or not, the person who has suffered injury may apply to the court for damages to be granted at that time. In other words, a criminal trial could be proceeding in a criminal court and it could be that a lawyer, in his concern to

lay foundations in anticipation of a damages claim, could mix it up with the plea he makes to free his client of the charge laid against him. This may make certain inroads into the well-worn and accepted procedures followed by a criminal court.

Bearing in mind this type of situation, I would like to know whether the Law Society has been consulted with a view to obtaining its expert views in respect of the approach being made under this Bill; and, if not, why not? If the Law Society has been consulted I would like to know what it has said in respect of it.

It has been said, with some accuracy, that the Bill is before the House because of an undertaking or promise made at the 1968 election. I think it could also be said that the measure is possibly before this House as a result of the efforts of an Englishwoman by the name of Margaret Fry, related, I believe, to the chocolate manufacturer of that name. For a few moments it may be interesting to review the history that has led up to legislation of this type, which has been introduced in a number of other countries and States of this Commonwealth.

Mosaic law provided that in the case of the theft of sheep there should be fourfold restitution. As apparently oxen were regarded as being more useful animals in ancient days, it was required that in the case of the theft of oxen there should be fivefold restitution. Back in Anglo-Saxon times a form of compensation also existed. The payment made for homicide was known as "wer." Compensation for injury was known as "bot" and a fine paid to the king was known as "wite". Later on, compensation paid to the victim of a crime was separated from the criminal jurisdiction altogether, and substantially, with some reservations, that is the position today; that is, until this Bill becomes law. A person could be assaulted at some time or another, and he would then have to institute civil proceedings and go through the whole case again in pursuit of damages arising from that particular assault.

In 1955, and in 1960, damages for criminal injuries was a matter that was debated in the United Nations, but it was not debated on the basis that compensation at that stage should be paid by the State. Miss Margaret Fry became interested in this question and others that had to do with the penal provisions in the 1950s and she was stirred into even greater action when she heard of a case involving a person who was injured as a result of a crime and who suffered damages to the tune of £11,500 sterling. No doubt a judgment was given in a civil court for that sum. That injured person's assailants were ordered to pay for that judgment by instalments of 5s. weekly. Using the existing currency in

England, and by a fairly simple calculation, it will be seen that if those assailants complied with the order and did not default in any of the payments, they would have satisfied the judgment after the expiration of 442 years.

As a result of the activities of Margaret Fry in regard to that type of situation, the British Government in 1959 appointed a committee to examine the question generally; the question that, in these cases, the payment of compensation should be made by the State. That committee reported to the Imperial Parliament in 1961. In 1964 I understand a white paper on the same question was again tabled in the United Kingdom Parliament, and these days, since 1964, I think, a non-statutory scheme of compensation for persons who have been awarded damages as a consequence of criminal injury operates in the United Kingdom.

In 1963 New Zealand passed a Criminal Injuries (Compensation) Act and, as I have already said, other countries have too. It is not at all uncommon to find New Zealand out in front; in this case seven years ahead of us. Apart from New Zealand having legislated in this direction, Victoria and South Australia have also taken action.

The ACTING SPEAKER (Mr. Williams): I would ask members not to chatter so much around the Chamber as *Hansard* is finding it difficult to hear the member for Mt. Hawthorn.

Mr. BERTRAM: It is certainly not untimely that action of this kind should be taken, particularly when one looks at a report in *The Sunday Times* of the 3rd May, 1970, which reads—

Crimes of violence in the United States have risen 10 times as fast as population in the past 10 years.

This shock finding was disclosed in a survey by the authoritative news weekly US News And World Reporter.

Virtually every big city in America is affected, and many authorities attribute the constantly rising crime rate to the intensifying problem of drug addiction.

"Year after year, the problem keeps spiralling," said the magazine. "Violence is spreading. Terror strikes in the suburbs as well as the slums.

"People are being slain, robbed, beaten and slashed by youths and adults, white and black. Many offences are marked by a sinister senselessness."

The survey showed that since 1960 murders rose by 66 per cent., rapes by 115 per cent., robberies by 180 per cent. and aggravated assaults by 103 per cent.

This averages out at an overall increase of 131 per cent., while the population rose by only 13 per cent. during the decade.

Since we are following the United States in so many ways, and almost being urged to follow rather than to work out our own pattern of things, this legislation is very timely, because what is happening there at the moment can in due course reasonably be expected to occur over here.

Having made those few initial comments, I now turn to the Bill itself. Part of clause 7 of the Bill reads—

Subject to section 8, the Under Secretary shall as soon as practicable after receiving an application under section 5 or subsection (4) of section 6, send to the Treasurer of the State a statement . . .

Clause 8 says—

The Under Secretary may defer sending to the Treasurer of the State any statement under subsection (1) of section 7 . . .

I will be interested to hear the Minister comment on that, because there appear to be provisions in consecutive clauses which are hardly in harmony; on the contrary they seem to be in conflict.

Another interesting feature of the Bill is that no provision is made for appeal. If a person seeks to get compensation under this Act and is disappointed or aggrieved by the result, he has, so far as I can see, no right or remedy by way of appeal.

If we turn now to the notice paper, we will find a number of amendments. I would like to touch on these for a few moments. Clause 7 seems to me to be not as clear as it should be and there is a desire to insert only three words so that it may be perfectly clear to anybody who reads the Act in due course as to just precisely what is required to be done, under clause 7 particularly, by the Treasurer of the State and, perhaps, also by the Under Secretary.

I have given notice of intention to introduce a new clause 7 to meet the situation where no person has been charged, convicted, or acquitted. The position is that the Minister made reference to this in his second reading speech. He said—

What the Bill does not provide for is the case where, although a person has obviously been injured as the result of a criminal offence, no-one is charged with that offence. However, the Government undertakes to make compensation available to injured persons who are in this category, on the same scale as is provided for in the Act.

I do not see the reason for this at all. It is inconsistent with the policy adopted by the Minister for Police when he introduced the Police Assistance Compensation Bill and said—

It is intended that the provisions in this measure will supersede in general practice the systems to which we have been accustomed in the past of making *ex gratia* payments to persons injured while assisting the police in the execution of their duties.

This legislation was introduced in 1964. Apparently it was the general practice that when people were injured while assisting the police *ex gratia* payments were made, but there was no Statute to limit the *ex gratia* payment and the public were made aware of their entitlements by that Act. They now know what they can do when they are injured while assisting the police.

In the present Bill provision is made where a person is convicted and where a person is acquitted, but we make no provision in the Bill at all—and this is freely admitted—for the person who is injured, but whose assailant is not even charged.

I think we should improve the legislation to make that provision. It would be the fair and proper thing to do. There are, perhaps, those who are not very confident about the treatment members of the public receive under the *ex gratia* procedure, and if we have indicated an intention of doing something, we should not, I feel, be afraid to put it down in black and white, so that the public might know what is going on rather than merely imagine what is going on.

Mr. Jamieson: I think that is covered by clause 6.

Mr. BERTRAM: I am not sure of that, and perhaps we could have a look at the matter in the Committee stage. As I see the Bill at the moment, there is need to meet the situation, and by his comments in his second reading speech the Minister rather invited the suggestion.

The other amendment which interests me in particular—having noted that the member for Kalgoorlie also has an amendment on the notice paper—is one which, I think, is essential, having regard to the definition of “injury” as it appears in clause 3 of the Bill. In that clause, the definitive provision, “injury” is defined as—

means bodily harm and includes pregnancy, mental shock and nervous shock;

As we are so often wont to do, in this case our legislation has copied the definition appearing in the New South Wales legislation. It is interesting to note that

the South Australian Act contains a different definition of "injury." I await with interest the comments of the Minister as to why the definition in the Bill follows the definition appearing in the New South Wales Act, and not the definition which appears in the South Australian Act.

I believe it is important to look into the question of the definition of "injury," because if we simply followed the New South Wales definition we might get a completely different operation of the law in Western Australia, unless we can satisfy ourselves that the contemporaneous law of Western Australia in general—whether it be Statute law or common law—is the same as that in New South Wales. Unless we know that the surrounding law is the same, then the definition may bring about a different result.

For example, the Law Reform (Miscellaneous Provisions) Act of 1944 of New South Wales contains law reform provisions which, among other things, touch upon the question of injuries arising from mental or nervous shock. Down through the years a lot of doubt has been created as a result of judgments dealing with people who are entitled under common law to recover damages for mental and nervous shock. In any event, what appears to be section 4 of the New South Wales Law Reform (Miscellaneous Provisions) Act reads as follows:—

The liability of any person in respect of injury caused after the commencement of this Act by an act, neglect or default by which any other person is killed, injured or put in peril, shall extend to include liability for injury arising wholly or in part from mental or nervous shock sustained by—

- (a) a parent or the husband or wife of the person so killed, injured or put in peril; or
- (b) any other member of the family of the person so killed, injured or put in peril where such person was killed, injured or put in peril within the sight or hearing of such member of the family.

If a member or his wife was watching television and saw a crime, which the television camera was lucky enough to capture, perpetrated, and as a consequence of what she saw she had a nervous breakdown and was put to great expense and loss, would she be entitled to compensation under this Bill as it stands? I would think not. I cannot see any reason why the persons who are entitled to recover under this legislation on the ground of mental or nervous shock should not be enumerated. That is what I am seeking to do, because I do not think there is any

legislation in this State which is comparable with the legislation that exists in New South Wales.

If members look at the amendment to clause 10 which appears in my name they will see that I am making an attempt to spell out clearly what may, in fact, be the common law; but certainly it will remove any doubt. Anyone looking at the Act will be aware, without having to be advised by lawyers, of what are his rights. My amendment seeks only to give expression to what, in fact, is the intention of the legislation. This being so, I see no reason why the provision should not be clearly stated. In any event, these are matters which one can discuss more fully when the Bill gets into the Committee stage.

**MR. JAMIESON (Belmont) [4.46 p.m.]:** There are only a couple of matters on which I seek information from the Minister. In one provision of the Bill the court is to be given authority to grant a certificate for the payment of a sum of money in the event of a case being dismissed and somebody else being deemed by the court to be responsible for causing the injury to the person concerned.

My query is this: There seems to be no provision in the Bill to enable the Crown to recover any money it has paid out in compensation if at a later date the person committing the offence and causing the injury is apprehended and convicted. What is the position in such a case?

I think the Crown should be given the right to recover the money if at a later date, as a result of information obtained, the police apprehend the person responsible and he is convicted. Under those circumstances the Crown should be given the right to recover the money that it has paid out. To pass this Bill, without the Crown being given such a right, would do an injustice to the Crown and would cause the Crown to be out of pocket.

I now refer to the definitions clause. The definition of "injury" includes pregnancy. Without sounding too ludicrous I would like to know—because this is a very important matter—what is the position when pack rape of a female is committed? Is there to be a multiplicity of persons to be responsible for one pregnancy? In such a case obviously many of the offenders would have copulated, but the pregnancy would have been caused by only one of the individuals. How would the Crown get over the situation in the case of a multiple claim for compensation in these circumstances? Those are some of the matters which must be sorted out before the legislation is passed, otherwise some dangers will arise in the future.

I would like to know what the Crown has in mind to enable it to recoup compensation payments made to some person who at the time was unknown, but who subsequently was apprehended. I would also

like clarification in the case of a female who has been raped and becomes pregnant. Those are about the only matters which cause me concern.

Legislation of this kind is desirable, and its introduction has been long overdue, because up to the present some people in the community have suffered loss as a result of criminal assault, or of other action, through no fault of their own. To that extent I commend the Bill, and I hope the Minister will explain the two points I have raised.

**MR. T. D. EVANS** (Kalgoorlie) [4.50 p.m.]: It would appear that the Minister is quite confident that this measure will receive the support of the Opposition. As has been said, it is a worthy social reform but one which is, nevertheless, in our view, capable of considerable amendment and improvement. Therefore it behoves us not only to support the measure, which we do, but also to seek to improve it at least in two directions.

Before dealing with the proposed amendments, I would like to establish the function of the measure before us. It seeks to provide for a form of compensation for persons who suffer personal injury arising from the commission of an offence. The word "offence" is defined in the Bill as follows:—

"offence" means a crime, misdemeanour or simple offence;

Clause 4 provides that where an offence has been committed, whether it be a simple offence, a misdemeanour, or a crime, and a person has suffered personal injury as a result therefrom, that person has the right to apply to the court or the judge hearing the case at the time, or at any subsequent time, for an order for compensation to suit the situation.

Clause 6 is an interesting one because it provides that on the acquittal of, or the dismissal of a complaint against, an accused person, the person claiming to be aggrieved by reason of the commission of the offence may apply to the court before which the accused person was or would have been tried, for a certificate, the purpose of which is for the aggrieved person ultimately to receive compensation.

So we can say that the function of the Bill is to provide compensation in two instances, the first being when an offence has been committed, and the person responsible has been apprehended and convicted; and the second being when evidence is clear that an offence has been committed, but the wrongdoer has not been apprehended or the prosecution has been dismissed, or alternatively the person has been shown to have committed the offence but, nevertheless, the complaint giving rise to the procedure has

been dismissed. In such an instance the aggrieved person is capable of being awarded a form of compensation.

In achieving these two worthy objectives, the Bill unfortunately goes no further and those on this side of the House feel not only that it is capable of going further, but that it should, at least in one or two instances, go further.

The first of these does, I realise, involve a difficulty of proof. It is obvious that this measure makes no provision for a person who has suffered a personal injury—and there is no doubt about this—where the person responsible for the infliction of the injury has not been apprehended or brought to book. In other words, the injury has been the result of an offence by an unknown assailant. However, the injury sustained by the victim is, nonetheless, real, and we ask ourselves whether a person who has suffered a real injury is to be denied compensation merely because the police have been unsuccessful in apprehending the wrongdoer.

Clause 6 (3) is of some interest. Clause 6 relates to the person who complains of having suffered a personal injury in a case where the complaint against the accused person is dismissed, or the accused person is acquitted. Subclause (3) provides that the court shall not grant a certificate for compensation under the proposed section unless it is satisfied that the person claiming to be aggrieved has, in fact, suffered injury by reason of an offence committed by some other person. In some instances at least that some other person may well be one who is unknown.

I do realise, as I said when first speaking about this aspect of the proposed amendments, that some difficulty in proof would be entailed. However, I am more concerned with an amendment which appears in my name on the notice paper. Under that amendment there will be no doubt as to sufficient evidence being submitted to sustain the claim.

We have on our Statute book an Act under the title of the Fatal Accidents Act, 1959. This, as a matter of interest, was introduced by the then Attorney-General (the late Mr. Arthur Watts) in the first year of office of the present Government. It was derived from a very early English Act introduced into the House of Commons by Lord Campbell—an Act which is still known in the common law world as Lord Campbell's Act.

The Fatal Accidents Act provides damages for certain dependants of a person who dies as a result of the wrongful act of some other person, notwithstanding the fact that the wrongful act may be as a result of negligent, reckless, or criminal behaviour. It has ever been that a dependant, to succeed under the Fatal Accidents

Act, must prove that he or she has suffered a monetary loss as a result of the death of the person concerned.

As you would know, Mr. Speaker, the law reports contain many instances of persons—dependants of a deceased person—unsuccessfully claiming compensation or damages pursuant to the Fatal Accidents Act because they have been unable to prove a pecuniary loss. In only one State in Australia has there been a departure from this principle. In fact, it has not been a departure; it is something which has been grafted onto the principle in the Fatal Accidents Act. It allows damages for the loss of love and comfort, and sadness and sorrow, which results from the death of a person. This departure has occurred in South Australia. The principle of solatium is not known to the law of Western Australia. In fact, it is unknown in any State except South Australia. If the dependant of a deceased person is to proceed for compensation under the Fatal Accidents Act he, or she, must prove a pecuniary loss. There are many instances where it is difficult to prove a pecuniary loss.

Let me quote one instance. In February of this year an old man of 77 years of age was employed by the Town of Kalgoorlie as a labourer. He was working in a team concerned with rubbish disposal and, unfortunately, he was run over by the rubbish truck. I believe he married late in life and his wife and children are living in Yugoslavia. They had never lived in Western Australia at all and because of a provision which then applied in the Workers' Compensation Act, even though the man was killed during the course of his employment, his dependants were unable to claim workers' compensation because they were not resident in Western Australia.

To prove a case under the Fatal Accidents Act it had to be proved that the dependants were completely dependent upon the worker. The worker had been in Western Australia for many years and had intermittently—not regularly—sent money home to Yugoslavia. It would seem doubtful that a successful case pursuant to the Fatal Accidents Act could be launched in that man's case.

I can give another instance of a couple, both receiving the age pension, and both deserving and deriving the love and comfort of each other, and one of them is fatally injured as a result of a criminal act. Because they were both on the pension the survivor could not prove that he, or she, was fully dependent on the other and there would be no claim whatsoever under the Fatal Accidents Act.

It is felt that some provision should be made in this measure to enable the dependant, where the circumstances are such that a claim could be made if the

person concerned was not deceased because of a criminal act, to elect to proceed under this Act or under the Fatal Accidents Act.

When this measure passes into Committee I intend to move for the addition of a new clause, to stand as clause 10. My proposed new clause reads as follows:—

10. Where a person who has suffered injury within the meaning of section 4 or who otherwise would be an aggrieved person within the meaning of section 6 dies as a consequence of the offence an application may be brought under this Act by the executor or administrator of the deceased person for the benefit of the wife, husband, parent and child of such deceased person as an alternative to proceeding under The Fatal Accidents Act, 1959, as amended.

I would urge the Minister to give this matter some consideration, and I am sure that if it is given the right and proper consideration it will be accepted. With that in mind I look forward to the Committee stage of this Bill and, in the meantime, I indicate my support of the second reading.

**MR. COURT** (Nedlands—Minister for Industrial Development) [5.06 p.m.]: Three members have commented on this Bill and I appreciate the fact that they have obviously studied it in considerable detail. When I introduced the Bill I endeavoured to indicate that it was a measure to break some new ground. When breaking new ground one has to be a little cautious, regardless of which party is in government. I thought I had indicated in the course of my remarks that I would like the House generally to accept this measure in that spirit.

We need to proceed cautiously because if we are not careful a measure such as this, which unwittingly would not give the benefits one wanted to give in the right places, could be placed on the Statute book. The reverse could apply and the benefits could be given to people who were never intended to receive them.

I believe the draftsmen, after studying all other legislation, have tried to follow this course. I also believe that when introducing legislation of this kind it is not a bad approach to move little by little. I know some people would rather plunge in, right out of their depth, at the start. However, in this type of legislation, which introduces a new principle, it is deemed desirable and wise to move cautiously and keep the matter under review.

I can assure the House it will be kept under review. However, I also want to make it clear that when we go into Committee we will report progress because I have arranged with my colleague, the Minister for Justice—in view of the fact that

we are breaking new ground—for an examination to be made of the remarks of members of the Opposition. Those members having expressed their thinking in respect of the principles, as well as the details of the proposed legislation, we will allow the Crown Law Department to have a look at their comments, and also the proposed amendments on the notice paper.

I want to express appreciation of the fact that two members opposite with legal training have seen fit to study the measure in detail and express their views. Also, they have placed amendments on the notice paper. I am not foreshadowing, at this juncture, the outcome of our research in relation to the amendments proposed by the member for Mt. Hawthorn and the member for Kalgoorlie. However, I can assure them that at my request and by arrangement with the Minister for Justice the amendments will receive careful study by the Crown Law Department.

The Crown Law Department will be able to study the matter further in the light of the speeches made by the member for Mt. Hawthorn and the member for Kalgoorlie. The member for Belmont introduced a rather interesting aspect into the debate. He said he did not want his remarks to be treated as facetious and I can assure him that his comments will be brought to the notice of the Crown Law Department to see whether the particular point to which he referred should be considered further during the Committee stage or at the third reading stage. The point raised by the member for Belmont was that people who were receiving money could have a change of circumstances and that change could present a case for recovery of the money by the Crown.

On that note I will conclude my reply to the second reading debate. As I have indicated, it is planned to go into Committee and then report progress.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 and 2 put and passed.

#### *Progress*

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

### **TOURIST ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 13th October.

**MR. SEWELL** (Geraldton) [5.12 p.m.]: When the Minister for Tourists, who all members know is the Premier, introduced the Bill he referred to it as a brief document. I must support that remark. From my reading of the Bill and the parent Act

this amendment is necessary. The Premier told us that section 10A (4) provides that moneys raised for the purpose of tourism with the approval of the Treasurer shall not exceed \$200,000 in any one year. It seems that for some years the full amount was not used by the Tourist Development Authority but now it is finding that the amount of \$200,000 is not sufficient to provide the finance it needs.

We all know the advantage of tourism to any country. Quite a few of the countries in the western world, in particular, practically live on tourism. Perhaps this trend will occur in Western Australia. It is all for the good.

Accommodation in country hotels is to be improved. In looking at the list of country hotels which are to receive assistance to improve their buildings I wonder why they could not raise the money themselves. For instance, the Commercial Hotel, Northam, is to receive \$51,000 and the Port Hotel, Carnarvon, \$100,000, although this latter amount is subject to the availability of funds. Also the Commercial Hotel at Kojonup may receive \$50,000.

These hotels have been patronised by Western Australians for a great number of years. I know that some people would say that portion of the money, at least, could have been used for housing, because the money in question has been borrowed from the Superannuation Fund and the Motor Vehicle Trust Fund.

I agree with the Premier that the hotels should be upgraded because of the continuing increase in the tourist trade. Therefore, if owners cannot find money to upgrade them I suppose the Government must step in and do it for them. Doubtless this will be all to the good.

That is all I have to say on the Bill and I have much pleasure in supporting it. I hope it will help the tourist trade in Western Australia.

**SIR DAVID BRAND** (Greenough—Minister for Tourists) [5.15 p.m.]: I would like to thank the member for Geraldton who is always reasonably generous in his remarks.

I do not think that Western Australians fully appreciate how important it is to develop the tourist industry. There is no easier or more direct way for a State to benefit than by people coming from overseas and interstate to spend their money and leave it behind in Western Australia. It is such a simple way, but the great difficulty is to attract sufficient people to the State and also to attract those who have the wherewithal to travel around and see what there is to see.

Mr. Jamieson: Why not establish a casino? In this way they would leave some really big money behind.

**Sir DAVID BRAND**: Of course this is a controversial issue. I know some countries and States reap huge benefits from gambling facilities or casinos, call them what

one will. I do not think the time has come for Western Australia to introduce this kind of thing.

Mr. Jamieson: We would get some good Asian tourists then.

Sir DAVID BRAND: Yes, that is right, but it would also cause other problems.

Mr. Jamieson: Yes, it would.

Sir DAVID BRAND: I suppose we cannot have our cake and eat it too. I can imagine some very real difficulties associated with this. The other night the Government was accused by the Deputy Leader of the Opposition of adopting a policy of wait and see in respect of experience elsewhere. As members know, Tasmania has gone part of the way following a decision arrived at through a referendum. I would prefer to see if the casino and other facilities in Tasmania will attract international gamblers and travellers.

Mr. Jamieson: They would be more likely to come to Western Australia than go to Tasmania.

Sir DAVID BRAND: I do not think we should hang our economy on a gambling peg. Instead we should utilise our natural attractions in the fullest possible way to bring people to this State. We have enough problems at the moment without attracting people who might contribute to social difficulties. Perhaps someone who follows me in office could make such a decision but I am certainly not in favour of it.

The natural attractions of our State are novel. I believe that Western Australia, and Australia generally for that matter, offer people something different to see. Many people travel from one end of Europe to another visiting tourist spots, places of historic interest, mountains of snow, and great rivers. Western Australia cannot boast of any of these attractions but, nevertheless, we can boast of something which is very different and to which people will be attracted so long as the State can arrange for comfortable and cheap travel as well as comfortable accommodation.

Mr. Sewell: The wildflowers on the Marchagee sand plain.

Mr. Jamieson: Big trees and wildflowers!

Sir DAVID BRAND: They are not a bad start.

Mr. Jamieson: They are about our main attraction.

Sir DAVID BRAND: Certain parts of the scenery in the north are just as attractive as scenery in Europe or America.

Mr. Jamieson: It is probably not as spectacular as Colorado.

Sir DAVID BRAND: The Grand Canyon is a vast open area but from the point of view of colour and scenery it is no more spectacular than areas in the north. In

fact, I do not think it is as attractive. Nevertheless, hundreds of thousands of people, if not millions of people, have gone to see the Grand Canyon over the years.

I think we should appreciate that Western Australia offers these attractions and we must sell them just as the Americans and the Italians sell their tourist attractions. It is a matter of promotion, which can only be properly done when we have more money to spend. In my view, it is a national obligation. The money spent in promoting tourism is a premium well spent by the nation. Although the commission has been established in Canberra, I do not think that as yet it has made sufficient progress, because it is a matter of money and more money by way of advertisement, salesmanship, and promotion, to tell people what we have to show here. I do not think we make enough of the climatic conditions which we enjoy and the beaches of which we boast.

Mr. W. A. Manning: What steps are taken to ensure that these funds are used for the tourist trade and not for the extension of bar trade, for instance?

Sir DAVID BRAND: It must all be proved. I suppose it is a matter of judgment to improve the bar facilities, also. Just as people will be attracted here if we have a casino where they can gamble, people will enjoy comfortable places where they can have a social drink. One was making a personal sacrifice to sit in some of the bars and rooms we have had here over the years.

Mr. Graham: Hotels elsewhere cater principally for house guests and their friends, and not for the public generally. I think we should move in that direction.

Sir DAVID BRAND: I think there is evidence of a changing scene in Australia. We no longer have bars at which we swill. We now appreciate that hotel accommodation is the lucrative side of the trade. We are beginning to realise that people will be attracted here if we provide them with comfortable rooms, air conditioning, and hot and cold water, which are the basic requirements. The alterations which we recently made to our licensing laws are a recognition of the fact that we should provide facilities for people who want to drink beer or wine in a civilised manner. The hotels which have been built recently, and which will be built, are recognition of the fact that there is a lucrative business in providing accommodation.

I think it was the Leader of the Opposition who asked me why there was originally a limit of £100,000. I replied that I thought it might have had something to do with the limit of money that we could borrow without Loan Council approval at that time. Since then the limit has been increased to \$300,000. I looked up the original speech I made and ascertained that that was so.

I do not think \$300,000 is sufficient, but it was decided not to place any limitation in the amendment which is contained in this Bill, because sooner or later the \$300,000 limit will be raised again, which will necessitate another amendment. The Bill therefore aims to give to the Treasurer the power of approval regarding the amount which might be borrowed. I think this is progressive. It is not a very large Bill but it makes an important contribution to the lucrative tourist industry.

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 Sir David Brand (Minister for Tourists), and transmitted to the Council.

**ROAD AND AIR TRANSPORT  
COMMISSION ACT AMENDMENT BILL**

*Council's Amendments*

Amendments made by the Council now considered.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. O'Connor (Minister for Transport) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 7, page 4, line 24—Insert after the word "licence" a passage as follows:—

"except where in relation to any particular licence or particular renewal of a licence, the Minister by instrument in writing directs that the licence or the renewal shall be granted for such period in excess of three years as the Minister specifies in the instrument".

No. 2.

Clause 8, page 5, line 13—Insert after the passage "cargo;" a passage as follows:—

"or

(iii) the cargo to be carried by the ship in the course of the coasting trade to which the licence or permit will

relate and which is specified in the application for the licence or permit is cargo of such a kind that requires for the purpose of its loading onto, carriage in, or unloading from, the ship, specialised equipment that is in operation in the State for the purpose on the commencement of this section."

Mr. O'CONNOR: I move—

That the amendments made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

*Report*

Resolution reported, the report adopted, and a message accordingly returned to the Council.

*House adjourned at 5.29 p.m.*

## Legislative Council

Tuesday, the 20th October, 1970

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

**BILLS (2): ASSENT**

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

1. Prevention of Cruelty to Animals Act Amendment Bill.
2. Civil Aviation (Carriers' Liability) Act Amendment Bill.

**QUESTION ON NOTICE**

**CARAVAN PARKS**

*Financial Assistance*

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

- (1) Which caravan parks in Western Australia have received financial assistance from the Tourist Development Authority?
- (2) What amounts were paid to each, and on what dates were such amounts paid?
- (3) (a) Has any caravan park in Western Australia received financial assistance from any State Government source other than the Tourist Development Authority; and  
(b) if so, what are the details?