

always. I am sorry the Minister for Housing is not here, but I do hope the State Housing Commission will go ahead with its plan to build its homes in the Lynwood-Canning Vale area. There is a plan afoot to erect many hundreds of homes in this area and the Minister has intimated that this work will start in 1970. I hope the Government will find the necessary money to make this development possible.

That is all I have to say tonight. As I said earlier, I trust that when the various shires make their approaches to the Treasurer for funds to help them develop the projects I have outlined the Treasurer will be sympathetic to their requests.

Debate adjourned, on motion by Mr. Runciman.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 10.17 p.m.

Legislative Council

Wednesday, the 22nd October, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTION ON NOTICE

1. MAIN ROADS

Collection of Litter

The Hon. J. DOLAN asked the Minister for Mines:

How many persons are employed by the Main Roads Department, full-time or part-time, collecting litter—cans, bottles, cartons, paper, etc.?

The Hon. A. F. GRIFFITH replied:

With the exception of controlled access roads, responsibility for keeping road reserves cleared of litter such as cans, bottles, papers, etc. rests with the respective local authorities.

However, the Main Roads Department appreciates the need for positive action to control the litter problem, and to this end proposes to have discussions with representatives of various local authority groups.

The department has three men engaged on the regular collection of litter on the Kwinana Freeway.

BUSH FIRES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.38 p.m.]: I move—

That the Bill be now read a second time.

The most recent amendments to the Bush Fires Act were those passed in 1965, and, since that time, a number of amendments have been proposed by the Bush Fires Board, as contained in this measure.

The first, a nominal amendment, refers to the nominated member of the Insurance interests. The original wording of "Fire Accident and Marine Underwriters' Association" is incorrect. The title should read "The Fire and Accident Underwriters' Association of Western Australia." The present board member has been nominated by this association.

In explaining the more operative proposals, I would turn now to the amendment which will give a local authority power to delegate its authority to make certain variations in the dates declared for prohibited burning times for its district. It is necessary for the authority to change the times of burning because of variations in seasonal conditions. There have been occasions when a change in date is necessary, but because a local authority does not have a meeting listed within the requisite period, it must of necessity call a formal meeting under the requirements of the Act to deal with additional changes.

An amendment proposed in this Bill will allow the mayor or president and the chief bush fire control officer to act under a delegated authority.

Another requirement in the Act is that notice must be given to a forest officer if the land upon which the bush proposed to be burnt is situated within two miles of forest land, but only between the 15th December and the 15th April next following. In all other instances, notices are to be given between the 1st October and the 31st May next following. Date differences of this nature cause confusion, even though in general practice the majority of people intending to burn give notice to forest officers in any event.

In order to make the requirement uniform throughout, it is proposed to delete all the words after "forest land" in the appropriate subsection. Variations occur during the restricted burning times; that is, after the prohibited burning time has expired, and between the 1st October and the 31st May. Therefore, it is important that the Forests Department should be made aware of fires which are to be lit in the restricted burning period. As members will appreciate, notification is not presently required to be given to the Forests Department until after the 15th December in each year.

It is of interest to note that the Act at present does not prevent a bushfire control officer issuing a permit to himself to burn the bush. Therefore, in order to protect the fire control officer from local criticism in such cases, it is considered advisable to withdraw from him the right to issue a permit to himself. As with all other persons who are required to burn, a permit is required to be issued by a fire control officer; yet there would be no difficulty in the officer himself seeking a permit from another fire control officer in his district, so avoiding the possibility of the criticism to which I have referred.

The board may, at present, with regard to restricted burning times, suspend or vary any of the conditions set out in the whole or part of the district of the local authority during the period the 1st October to the 30th November and from the 1st April to the 31st May. The Act does not give the board power, however, to vary conditions in the months of December and March, during which, in some districts, variations become desirable because of seasonal conditions.

Restricted burning times in some districts apply to the months of December and March and it is considered advisable for the board to have additional authority to vary or suspend conditions for burning in these two months as well. Consequently, it is proposed that the period be referred to as the whole of the restricted burning times and not just the months of October and November and the succeeding April and May. The longer time so given will enable the board to vary or amend conditions, particularly in those parts of the State which have damp or wet circumstances.

Another amendment relates to the conditions under which fires may be lit in the open during the period from the 1st October to the 31st May next following. Although the Act allows certain variations in the conditions of setting fire to the bush, there is no variation allowable in respect of garden refuse burning or rubbish burning during restricted burning times. Yet it has occurred in the past that in some seasons conditions for the burning of bush, standing grass, and the like are varied or suspended; but the burning of garden refuse or rubbish cannot be varied to the same extent, as it is subject to the restrictions which are apparent in the appropriate section of the Act.

These restrictions create this anomaly and the amendment now proposed makes provision for variation of the conditions for burning garden refuse or rubbish in a similar manner to the variations which may be made for setting fire to the bush in restricted times.

Some local authorities in areas where development has occurred, which brings with it a wider use of furnaces or boilers, have expressed some concern as to the disposition of furnace refuse.

In removing the hot ash or furnace refuse, a practice of carting ash or refuse and dumping it on land is developing, and this creates a dangerous fire risk. In fact, several fires have occurred through the dumping of hot ash in this manner, so we are informed by the Bush Fires Board. A fire risk is also created when the hot ashes are carted in open trucks, which permit sparks to set fire readily to the surrounding bush.

There is no existing provision for control of this fire risk under the Bush Fires Act. In order that control may be exercised, it is intended to introduce a new subsection which proposes that any part of a truck carting hot ash or furnace refuse must be totally enclosed in a metal container. There are additional provisions that local authorities and bushfire control officers may specify conditions covering the land on which the hot ashes or furnace refuse is to be dumped.

Initially, when bushfire brigades first commenced to operate on a wide scale, they were not subject to any protection by way of insurance, to provide benefits in case fire fighters were injured while fighting fires, nor was any protection accorded in respect of their equipment, whether by loss or damage, in fighting a fire. Eventually, in an endeavour to provide and make available some protection, an insurance policy was negotiated with the Fire and Accident Underwriters' Association and local authorities. This policy was taken out by the majority of local authorities which had formed bushfire brigades, but a few did not adopt this desired practice.

Brigades and personnel called away from their district to fight fires in another district, which did not have the fire fighters insurance, were deprived of the protection which they enjoyed as a safeguard in their own district. In order to obviate this circumstance arising, it was decided to make it compulsory under the Bush Fires Act for any local authority which had formed a bushfire brigade, to take the policy of insurance which was available.

The situation operated quite satisfactorily for a long period. During this period various optional extensions to the standard policy benefits were arranged. These optional increases in benefits were not considered compulsory under the Act, however, as they were taken out by the local authorities to meet particular conditions in their district, or to meet the desires of their particular bushfire brigades.

It transpired that a person who suffered an injury in a bushfire took action against the shire council where the accident occurred for damages on the ground

that the particular shire council had failed to take out an insurance policy as required by the Bush Fires Act. The particular shire council had taken out the standard policy and also a number of extensions to it. The case was subject to a number of court actions, and the final decision of the Full Court was that, in one respect, the council did not have an insurance policy which complied with the court's interpretation of the requirement of section 37 of the Bush Fires Act. The decision meant, in the particular case concerned, that whilst the plaintiff received on one ground a greater amount than was provided in the insurance policy, the total amount paid to him was, in fact, less than he would have received for benefits under the policy as a whole.

The court ruling on the relevant section of the Bush Fires Act virtually required local authorities to take out unlimited insurance cover but this, of course, was not available.

The Bush Fires Board, in giving this matter the most careful consideration, has consulted also with the Country Shire Councils' Association. The amendments proposed in this Bill will limit the liability of local authorities to the provisions of what is at present known as the standard bushfire fighters insurance, which has been in effect for many years. This requirement is intended as a minimum and there will be nothing to prevent individual local authorities taking out additional cover for benefits, if they consider it necessary under their own local conditions. It has been considered however, that the question of these additional benefits is best left to local option. Some districts have greater fire risk than others and very heavy expense for wide insurance cover may not be necessary in those cases.

Minimum insurance cover is also prescribed in relation to brigade equipment on the basis of the provisions of the standard bushfire fighters' policy. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

MARKETING OF LINSEED BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill to make laws for the controlled marketing of linseed was introduced by the Minister for Agriculture in the Legislative Assembly, and passed that House. Its provisions are similar to those already in existence in respect of the marketing of barley. Representations were made to Mr. Nalder last year by the Linseed Growers

Association to form a compulsory marketing pool on this basis. The Bill differs but little from the current measure to control the orderly marketing of cyprus barrel medic seed.

A deputation representative of the Esperance Linseed Producers Association, the Farmers' Union, the Grain Pool, and a representative from the Albany-Mt. Barker area, met the Minister in August last year and this meeting was indicative of a renewed interest in the growing of linseed, which was becoming evident.

An organisation known as the Great Southern Oil Seed Growers Association was formed in 1968, and its members represent areas from Rocky Gully to Gairdner River. Broadly speaking, the linseed growing members of the Farmers' Union are organised into three groups, geographically defined and centred on Esperance, Mt. Barker, and Boyup Brook. It transpired that there was strong representative desire from the growers concerned for a compulsory pool marketing scheme.

Because of the strength of the submissions made to the Minister, he agreed that a referendum of growers should be held to confirm in a formal manner the wishes of those concerned. A poll was subsequently conducted by the Chief Electoral Officer and closed on the 30th April, 1969.

The result of this poll was an overwhelming vote in favour of compulsory marketing. Ballot papers were issued to 82 eligible linseed producers and a total of 71 voted. Of these, 67 recorded votes approving the proposals; one was not in favour; and three informal votes were cast. For the purposes of the poll, an eligible linseed producer was defined as any one of the following:—

- (1) A grower who has in at least one of the years 1966-67, 1967-68, or 1968-69, delivered to the Grain Pool of W.A. more than five tons of linseed for sale.
- (2) A grower who has in at least one of the years 1966-67, 1967-68, or 1968-69, produced more than five tons of linseed for sale but has sold to other purchasers and can provide documentary evidence of this production and sale.
- (3) A farmer who can provide documentary evidence of having purchased or contracted to purchase linseed to grow 20 acres or more during the year 1969-70.

Some appreciation of the growth of linseed production in this State may be gained from statistics covering the three seasons in which the Grain Pool has conducted voluntary linseed pools.

For instance, in the first year in which the Grain Pool handled a voluntary pool for linseed marketing—the 1966-67

season—receivals totalled about 486 tons, and the total sum distributed to growers was \$55,695. Growers received about \$114 per ton.

For the next pool in 1967-68, receivals totalled 1,441 tons, and the total amount distributed was \$140,815. Growers received nearly \$98 per ton.

The 1968-69 pool handled 3,818 tons and the distribution to growers amounted to \$351,867. The price per ton in this last season was \$92.

However, these figures do not indicate full production tonnages because some seed is retained by growers for the following season's seeding. Nevertheless, they do reflect the spectacular growth of this industry over the past three years.

For the current season, a total area of 23,400 acres of linseed has been planted with an estimated production figure in the vicinity of 300,000 bushels depending on seasonal conditions. I suggest that with the rain which has fallen in the last few days a fairly successful crop is assured, particularly in the Esperance area. Of the total acreage planted this season, 18,000 acres is in the Esperance district, 3,000 acres at Mt. Barker, 1,800 acres at Boyup Brook and 600 acres at Gingin.

In explaining the Bill in detail, I wish to emphasise that its scope is restricted to the marketing of linseed only. It is not intended to embrace any other oil seeds. As already indicated, the referendum referred specifically to linseed and the legislation deals with that seed alone.

The marketing board to be established under the Bill will be composed of five members, as follows:—

- (a) All members will be appointed by the Governor.
- (b) Two persons who are producers elected by producers.
- (c) One person who is a producer nominated by the Minister.
- (d) One person nominated by the Minister to represent commercial and industrial users of linseed or linseed products in the State.
- (e) One person nominated by the Minister who is a person not commercially involved in the linseed industry as a producer, user, merchant, agent or processor and who shall be chairman of the board.

The two elective members will hold office for a period of three years while the members who are nominated by the Minister will hold office during the pleasure of the Governor.

The ballot papers distributed to growers when the referendum was conducted outlined the conditions to be included in the

legislation if the result favoured a marketing scheme. One such condition related to surpluses. In this respect, the Bill provides that if burdensome surpluses of linseed appeared likely, the marketing board, subject to the approval of the Minister, has the power to control production. This would be put into effect only as a last resort.

The usual provisions for the appointment by the board of licensed receivers who may receive and deal in linseed on behalf of the Board and the establishment and maintenance by the board of a pool, or separate pools, for the marketing of seed are clearly defined.

The board will be required to submit an annual report of its activities and a copy of audited accounts to the Minister. These documents must then be laid before both Houses of Parliament.

Provision is made for the legislation to come into operation on a date to be fixed by proclamation, and once proclaimed, it shall remain in force for a period of three years from that date. I commend the Bill to members.

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

EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th October.

THE HON. J. DOLAN (South-East Metropolitan) [4.57 p.m.]: In June, 1967, the Minister for Education set up a committee to examine the present position in regard to secondary education, and to examine the future requirements of secondary education.

I suppose that for a start I should indicate to members just how extraordinary is the change which has taken place in the concept of secondary education compared with secondary education even as I knew it a few years ago. Before I deal with the position from another angle, perhaps I could quote a few figures.

I notice that in 1950 the total secondary school enrolment was 11,350. By 1960 this figure had increased to 27,550, and at the present time the total is more than 50,000. The upward trend is expected to continue.

To give a simple example of how this trend is continuing, in 1967 the number of pupils had increased to 44,132, and in 1968 the number had increased to 46,190—an increase of 4.7 per cent. Carrying on to the 1970s, we can expect that the numbers will increase at a somewhat similar rate—somewhere in the vicinity of 4 to 5 per cent.

Members will appreciate the extraordinary difficulties which will confront those responsible for our secondary education. In this capacity I refer not only

to Government schools, but also to independent schools. It must be obvious that not only are there accommodation problems, but also problems associated with the changing world in which we live and the necessity, of course, to keep our schools supplied with the latest equipment which is required to fit the children for their needs in this changing world.

At the beginning of this year the committee presented its report to the Minister for Education, and one of its recommendations was that a board of secondary education should be established. The Bill before us outlines not only the personnel of the board, but also their duties.

I hope that by the time I have finished speaking I will have convinced nearly all members of the necessity for the board, because of the work it is expected to do. Whilst I may be at variance in some respects with the set-up of the board, I will certainly support the Bill.

In 1950 we had only 540 pupils in the fourth and fifth years; that is, the final two years of secondary education in the pre-tertiary or pre-university section. In 1968, we had 5,761 pupils. In percentage terms, that represents an increase of nearly 1,000 per cent.; so members can see what an amazing change has come about. In 1968 the number of secondary school teachers was 2,362. I think these figures should give us some idea of the problem which confronts not only the Education Department, but also the private schools.

At the present time the extra curricular work which is involved in the education of those students is frequently, and perhaps in most cases, organised by the senior teachers in the high schools. The senior masters and mistresses are often responsible for managing this work, and most of them—as I know from personal experience—give many hours of self-sacrificing time in order to ensure that the students in their charge obtain the best they can offer.

I think we have to realise that, by comparison with our day, the children of today are living in a new age. We are in the jet age, the space age, the technological age—

The Hon. J. J. Garrigan: The old age.

The Hon. J. DOLAN: —the lunar age, the television age, and the hovercraft age. We are in the midst of development in the fields associated with natural gas and oil, and the various minerals. We are living in a satellite world; one could take almost an hour naming the various things in the world today which are completely different from what we experienced when we received our secondary and tertiary education.

To give the House some idea of what is expected of the board when it is set up, I will read quickly from the Bill. I will not quote verbatim, but I will endeavour to give a general picture of what is expected of it. The first function of the board is to approve of courses of study for secondary schools and other bodies and institutions conducting courses of secondary education. Put briefly, the board is expected to prepare a syllabus which will fit the needs of the pupils engaged in secondary education.

The second task of the board is to establish and carry into effect procedures for the purpose of assisting schools and other bodies and institutions in the assessment of students undertaking courses of secondary study. That task of the board will lead me to speak at some length later about what is expected with regard to what we call the Achievement Certificate. The board will be required to assist the schools to assess their students. However, the matter is a little more complicated than that. The board has to work out the formulas, the types of certificates, the types of courses, and so on, so that eventually it can come up with something like a finished product.

The third function of the board is that, having regard to the recommendations of the schools and other bodies and institutions, it must ensure that when Achievement Certificates are issued the certificates are balanced and present a fair picture as between one school and another. The board has not only to set up a curriculum and lay down certain necessities of result, but it has also to ensure that the standards are related between school and school.

The Achievement Certificate is a new departure from that with which we in this State are familiar. So far as secondary education is concerned, we have had the Junior Certificate embracing three years of secondary education, and then the Leaving Certificate and matriculation embracing a further two years. Might I add also that for a number of years some schools have had a sixth year which is a preparation year after matriculation to equip the students for the University.

I think I spoke of this before, and I took up the matter with the Minister in an effort to obtain assistance for those children who are doing a sixth year. I think the argument I used then was quite fair and reasonable. It was that the students who had completed the sixth and extra year were generally successful at University, and so they are saved from becoming a part of the high failure rate in the first year of University work. So the sixth year is eminently successful, and I am pleased the Minister saw eye to eye

with me and gave those students the same sort of allowance which is available to fourth and fifth-year students.

In order to establish standards for the Achievement Certificate it was decided that a cross-section of schools, representing all types, should be set up as what we might call pilot schools. Those schools would introduce the idea of the certificate and set the standards, draw up the curricula, and, working on that basis, eventually reach consistency and report on the progress which had been made, and then make any adjustments or alterations which were found to be necessary.

I will give the House some idea of the types of schools in which pilot classes were established. Both Government and independent schools were selected for this purpose. The senior high schools involved were at Applecross—which is one of our biggest and most outstanding schools—Bunbury, Geraldton, then back to the metropolitan area at Hollywood and the John Forrest High School, and then down to Manjimup. So members can see that the experiment covered not only metropolitan students but also country students, and the pilot classes were as widely separated as possible to enable a fair idea of the attainments in different areas to be obtained.

The junior high schools involved were mainly located in country centres such as Waroona, Nannup, Northampton, and Pemberton. Members can see that those centres are widely separated. The ordinary high schools selected for this experiment were the Como High School, the Harvey Agricultural School, the high schools at Margaret River, Rossmoyne, and South Fremantle, and the Newton Moore High School. The Como High School is a new establishment, and it is a good idea to include it because the system can be started right at the beginning to give an idea of the value of the Achievement Certificate. I do not suggest that the other high schools will not give similar results. However, it is by collating the results from all the various schools that we will be able to weigh up the advantages and disadvantages of the certificate.

I come now to the primary schools, and members must understand, of course, that throughout the State many primary schools also have a number of secondary students who go on to Junior level, and in rare cases to matriculation. Once again, the schools are widely separated—Broome, Cue, Meekatharra, Mt. Magnet, and down south to Nyabing.

The independent schools involved were the Christian Brothers College at Leederville, the Iona Presentation Convent at Mosman Park, the Loreto Convent at Claremont, the Mercedes Convent at Victoria Square, and Wesley College. That is

an excellent cross-section of independent schools. I have a slight interest in the independent schools because my sister is in charge of the pilot system at the Mercedes Convent and she keeps me fairly well informed of the progress there. She also supplies me with non-confidential information which is given by other schools when she attends the different meetings.

By giving an outline of the type of courses which are involved in the pilot system, I can also indicate to members what a great change has taken place in the subjects. The main subject, of course, is English. I have always felt that English is the most important subject which is taught in our schools. Properly taught and properly assimilated, it gives every student the advantage of being able to go ahead with his education, no matter what he is interested in. The other subjects are science and social studies. The pilot schools take in these subjects at three levels; advanced, intermediate, and basic.

Four levels are involved in mathematics—which has, of course, always been a problem for most children. The levels are advanced, ordinary, elementary, and basic. The courses can be summed up by placing them into two different groups. The first group concerns the course material which is presented. As members will know, some pupils in advanced classes can take a much higher course than those at the basic level, and consequently the courses are balanced to suit the attainments and the quality of the students. The other group concerns the level of work. It can be expected that the standard of work of those in the advanced classes would be much higher than that in the basic classes. Generally speaking, the difference in mathematics and science is in the subject matter. As a result, the material is set according to the ability and the standard of the pupils.

Manual arts is an optional subject. In my day it used to be called metal work, woodwork, or blacksmithing. However, I am all for any change of name which gives dignity to human effort, so I suppose those subjects are worthy of the title of manual arts. The next optional subject is home economics; that is a change from the old days when it was called cooking or household management. The remaining optional subjects are art and languages. The language taken is generally French, and I will expand on that a little later on.

To give members some idea of the changes that are taking place—quite apart from the Achievement Certificate which is only in its first experimental year—the Public Examinations Board is going along with the idea and to ensure that children who are really doing experimental work will not be at any disadvantage, they will

be accredited by the Public Examinations Board for the work they are doing under the particular schemes.

Let us consider the changes that are taking place in the fourth and fifth-year courses. In most Government schools the established seven-subject offering has persisted, but, as time goes on, it is expected that students will specialise in six subjects—they will drop one in their fifth year.

I have often heard complaints to the effect that the child who is skilled in particular phases of education does not get the opportunity he should to use his talent. This is gradually being changed. For example, we find that at Perth Modern School the pupils who are talented in music are allowed to develop their talent under the guidance of visiting artists, who help them. I often feel they do not need the assistance of any visiting artists, because anybody who attended the United Nations Ceremony at the Supreme Court Gardens on Monday and listened to the Perth Modern School choir would realise just how talented some of these children are. Those who show an extra special talent will also be catered for.

The Hon. I. G. Medcalf: They also have a very good band.

The Hon. J. DOLAN: It is an excellent band. The big advantage of the new system is that the children are not segregated in any way; they continue with their normal class studies; these other subjects are extras which they take, apart from the ordinary periods of teaching they are given.

The same applies to the special groups of art students who are catered for at Applecross High School, and here again the talent being displayed is absolutely amazing. So anybody who feels that our schools are not turning out pupils who are highly developed culturally need only see some of these pupils in operation to make him think differently. If such a person did not change his mind on the subject he would be very hard to please.

From what I have gleaned in my travels and from my discussions with the teachers, the experiments are a great success and the talent which has been revealed is quite amazing.

Some schools are specialising in languages, for example; some of them specialise particularly in the Asian languages. We all appreciate, of course, that our future is linked with some of our near neighbours and it is accordingly interesting to find that languages like Indonesian, Japanese, and so on, are being taught to the children.

It is quite surprising how adaptable some of these children are; they seem to take to languages as a duck takes to water. Some children are natural linguists; they are able to speak three or four languages without any difficulty.

In order that what I have said can be absorbed by members I would like to digress for a moment and say that towards the end of last year I was asked to present some walkathon certificates to students at Applecross High School. The constable in charge of youth activities on the other side of the river asked me to present these certificates.

I duly arrived at Applecross at the appropriate time and presented the certificates in question. This happened to be in the last week of the school term and the acting head said to me, "While you are here will you present the Alliance Francais certificates?" I said I would be pleased to take the opportunity to air what little knowledge of French I had; though I had almost forgotten over the last 30 or 40 years what French I knew.

To give the House some idea of how things have changed, I would point out that when I did my Junior Certificate I studied a couple of languages, one of which was French. We had no oral examination for French, however, because nobody in the place could speak the language properly. Accordingly, as an alternative, we wrote a composition in French. We were given a number of subjects from which to choose, and we wrote our composition. Apparently this must have been all right because I passed.

The following year, however, we had a teacher who could speak French. Though he could not speak it very well he was certainly keen. He took lessons from a French lady who happened to be the mother of one of the former members of this House—and I refer to the late Bob Boylen. His mother was a French lady and was coaching our teacher in that language.

As a result of his learning French, every day the teacher seemed to come up with something new. We would speak the language as we had done the day before and we would find ourselves in strife because we were not pronouncing the words as he had learnt to do; we were pronouncing them as we had done the day before. Eventually I was appointed to approach the teacher and tell him to go a bit easy. As I have said, he was learning things overnight and taking it out on us the next day because we were not keeping up with him.

I recall he was trying to teach us the first few numbers in French. He did this by telling us the story of the three kittens who left France and decided to swim across the channel to England. He referred to the kittens as *les petits chats*, which literally means the little cats. These kittens started swimming across the channel until they reached the point of no return; they could go no further and could not get back. It was at this stage that we learnt our number work in French. The teacher would ask us, "Do you know what happened

to *les petits chats*?" Of course we did not know, and he would then say, *un, deux, trois, quatre, cinq*. That is how we were taught the numbers one to five in French.

At the schools which are specialising in languages, the pupils not only learn the Asian languages but also German, and Italian, which are both very popular. The basic language, however, is French, which seems to be a universal language. I daresay it would not matter which foreign country one visited one would get by with a good speaking knowledge of French.

These special students are assisted in every way by the University departments in the various languages, which means, of course, that we need have no fear that our children will not be great linguists and, perhaps, some day might prove welcome additions to consular staffs or as interpreters attached to those staffs.

There is a new approach to most subjects. The old concepts of English and the old grammar books and stereotyped textbooks are out. Nowadays students have modern textbooks and are shown wonderful new ways which help them assimilate their English subjects. There is a much wider use made of tape recorders, of films, radio, and television.

This will indicate what a wonderful change has taken place in secondary education where it has now been discovered that one of the reasons that students do not progress is that they cannot read properly. One person may be able to pick up a book, and, in a matter of seconds, not only will he be able to read the page but he will also absorb its contents, while another person will go through a page word by word and probably take hours to absorb it.

I know of one honourable member in this House who has the gift of being able to pick up a Bill and by merely looking at it and going through it quickly is able to know it from cover to cover. I have been very pleased to take advantage of the knowledge possessed by this honourable member.

It took a long time to discover that some children are backward because they do not know how to read and absorb what they read. This is all changing, and in this new world they are getting the advantage of modern education.

I have watched with a considerable amount of interest the television shows conducted in general knowledge. I think these are called "Academic." If my memory serves me right I think the winning school was St. Louis which is now going over to enter contests in the Eastern States.

The Hon. F. J. S. Wise: They won against the Eastern States' schools last night.

The Hon. J. DOLAN: I would not say that the standards of the east are slipping, but I would say that the standard among our children here is as good as it is anywhere in the Commonwealth. We were not given these advantages when we went to school. I feel I have a fairly good general knowledge, but at times I am amazed at what the children of today know. I would point out that even my grandchildren ask me whether it is one thing or another when I ask them questions in mathematics. I must confess in most cases I do not know what they are talking about. Can members imagine children in the third or fourth grade trying successfully to teach their grandfather how to suck eggs?

Speech training is an angle of modern secondary education for which the board will be responsible when it comes to laying down standards. Quite often when people attend speech nights and the head boy or head girl gets up to propose a vote of thanks or to welcome the guests, the feeling is that the student is going to talk his head off. After he has spoken, however, the people attending are generally most surprised and feel they can learn something from these children. The children to whom I refer have poise, and a power of speech which is seldom excelled by the ordinary person, and when they finish speaking one cannot help but applaud.

School concerts and plays are also remarkable for the quality of their performance. The children at John Curtin High School produce a musical comedy each year. Recently they produced the *White Horse Inn* and their performance would have done credit to any professional company. Last Friday night I attended an orchestral and choral concert at His Majesty's Theatre. The performance was really excellent and is indicative of what is going on in our schools. It is certainly something of which we can all be very proud.

Ever since I have been a member of this House I have expressed the opinion—and I do so again—that there is no room for politics where education is concerned.

The Hon. A. F. Griffith: You are absolutely right.

The Hon. J. DOLAN: Though I might be critical from time to time about things which have not been done, and which I feel ought to have been done by way of improvements, I will never take advantage of my position in this House to be critical for political gain.

Having referred to school concerts and the special work that is being done in our schools, I would now like to touch on the question of sport in our schools.

Last Saturday morning I went to the pass out parade of a school cadet corps and it was well worth seeing the way these boys were disciplined. Young fellows who normally would have no pride in themselves, now, because of their training and so on, hold their heads high and march properly. They would not see two bob if it was on the ground in front of them.

What I am leading up to is that all these extracurricular duties must have behind them a group of people—mostly teachers—who are prepared to do the extra work involved. That is why I sometimes get a little hot under the collar when I hear criticism of teachers. They are not all plaster saints, but a big percentage of them have only one thought in mind and this puts all others into the background. This one thought is that they are teachers and they must do the best they possibly can for those committed to their care. I know some teachers who devote hours every week and their Saturday mornings to taking groups of kiddies to sport or some other activity.

There is another feature which is coming into our education system today. When I was a lad the only group which provided interstate and overseas travel was the Y.A.L., under the guidance of John Simons. Many groups were taken around the world under his guidance. What a wonderful thing he started, but he was 40 or 50 years ahead of his time, because today that sort of travel is common. Many excursions, and particularly nature study excursions, are conducted, even to the Abrolhos. I understand that Hale School has established a headquarters at Wittenoom Gorge where the students will be able to carry out geological work and live as a community. There they will be in a position to absorb valuable lessons.

These are the types of projects which are being undertaken under our education system today and I am prepared to go along with them. It is for this reason that I say this board, when it is established, will have a tremendous task before it. I am sure that those appointed to the board will be, like most of our teachers, dedicated to the work they will be expected to undertake.

Before I conclude I would like to refer to two or three other changes which have taken place in our secondary education system. Today is the day of the library. Any school, big or small, without a library to cater for the needs of the children so they can be taught to find out things for themselves and learn how to make good use of what a library contains, is not a modern school at all. I think that any Government which renders assistance for libraries—whether by subsidising them or building them—can only be commended. That is one reason, of course, why I believe politics should be completely dissociated from education.

Even in social studies, the situation is entirely changed from the situation which existed when I was at school. Nowadays, when learning of the rotation of the earth, children have a model in front of them which actually demonstrates what occurs. This I have seen when visiting classrooms. However, when, as a child I learnt about the rotation of the earth, I did so from a book, and had to learn it almost by heart. Nowadays, with the practical apparatus available, when a kiddie learns something, it sticks in his mind for all time. What amazing changes have taken place in the method of teaching mathematics!

With regard to State schools and private or independent schools, or whatever we call them, I believe that the co-operation which exists now should always continue. We must bear in mind that kiddies, no matter what school they attend, are Australian children and we should give them any help we can. One child should not suffer at the expense of another. Everything possible should be done to ensure that children, from preschool age right through until they finish at the University, receive the best education they can absorb.

I have said on so many occasions, and I repeat it now, that the best investment any Government, irrespective of its political colour, can make is an investment in education. Every cent spent is returned at least one hundredfold. Many students in Australia have made a marvellous contribution to the welfare of the world and this has been possible because of the opportunities created for them.

Great progress is being made in the scientific world, but our schools are keeping in touch. Children in science classes today can talk quite freely and intelligently, about the wonders of the world. They have a wealth and width of knowledge which, had I possessed it when I was young, would have made me think I was in the Thomas Edison class. However, these days this knowledge is taken as a matter of course. Every facility exists in modern laboratories to help the students; and, I repeat, our dedicated teachers are prepared to advance the interests of their students.

A great need exists for the board envisaged under this Bill, and I intend to conclude my speech by referring to the composition of the board.

In its report the Dettman committee recommended that the board should consist of between 25 and 27 members who would represent all sections of the community. I was a little delighted to learn that to a certain extent the controlling interest would not be in the hands of the Education Department. Although the independent schools, the University,

and the Institute of Technology are to be represented, the ordinary citizens of the city, interested in education, will have the greater voice; and I am all for this.

Originally the board was to consist of 17 members, these comprising the Director-General of Education, the Director of Catholic Education, and a person appointed to be the director of the board—all *ex officio*—plus 14 others. Of the 17, nine were directly associated with the Education Department and I felt that this was not to be desired, and I say this in a completely noncritical way. The situation could arise where those not associated with the Education Department might feel it desirable to retain the Junior external examination, but those associated with the Education Department might want to abolish this examination. If the latter group represented a majority on the board, the voice of the former group would be of no avail.

The Minister has placed on the notice paper four amendments, three being consequential. If the amendments are accepted, there will, besides the two school directors and the board director, be 15 others, because provision is made for another person to represent non-Government secondary schools, to be nominated by the associated independent schools. This will mean some alterations will be necessary and one of these will be to the size of the quorum. Under a 17-member board, nine was to be a quorum, but now that the total membership of the board has been raised to 18, and one more than half of this number is required for a quorum, the required number will be 10. If wise council prevails at meetings, the board will arrive at a satisfactory settlement on any problems encountered, because nine of its members will be associated with the department and nine will not be.

I have spoken at greater length than I intended, but I have the greatest faith in our educational future. I would like to conclude by quoting from page 25 of the 1968 annual report of the Education Department as follows:—

Extra-Curricular Activities

As in former years, Government secondary schools engaged in a wealth of varied activities which ranged widely around and outside the formal instructional programme. Sporting and cultural events, trips and excursions, charitable and fund raising ventures—

I would like to digress for a moment to say that if ever there was a field in which children were being taught to be charitable and to give generously, not only of their time and their ability, but also of their pocket money, to ensure the under-

privileged receive help, it is in schools—not just primary schools, but all schools. To continue—

—publications of various sorts, visiting speakers, numerous clubs and other devices designed to promote student leadership opportunities, and competitions of many types were represented among the enriched programme provided by the schools. As formerly, there was close contact with local authorities and organizations in many cases, and in several instances schools benefited from the generosity of local bodies.

I will pause there because I want to say that many agricultural high schools receive from machinery firms a certain amount of assistance whether in the form of a hay-baler or a tractor. This displays an interest in the work being done; and, in the long run, the firms themselves receive benefits because the students are able to pass on their knowledge to the community.

The Hon. E. C. House: Good advertising, too!

The Hon. J. DOLAN: My quotation concludes—and this is the crux of what I wanted to say—as follows:—

The extra-curricular work was frequently organised by senior staff; often it was managed by masters and mistresses, many of whom, in the process, gave generously of their own time.

I conclude by paying a tribute not only to the committee which recommended the establishment of a board of secondary education, but also to the teachers who, no matter what anybody says, are doing a magnificent job in the interests of the children and the future prosperity of the State. Without a good education system and educated children, or children who are highly qualified in all branches of progress, we would not get anywhere.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.43 p.m.]: The board to be established under this Bill has a tremendous task in front of it, as the previous speaker said. To reiterate some of the tasks, I will quote from clause 10 as follows:—

The Board may—

- (a) approve of courses of study for secondary schools and other bodies and institutions conducting courses of secondary education;
- (b) establish and carry into effect procedures for the purposes of—

- (i) assisting schools and other bodies and institutions in the assessment of students undertaking courses of secondary study; and

- (ii) ensuring the comparability of assessments of students made by those schools and other bodies and institutions;

I was interested in the reference made by Mr. Dolan to libraries in secondary schools, particularly as I was reading the annual report of the Library and Information Service of Western Australia in which envy of the assistance obtained from the Commonwealth Government was expressed—assistance to the extent of 11 library books per student being provided in some Government high schools. No courses of study can be effective these days unless the school has a well equipped library in which students can conduct their studies.

In this respect it is somewhat surprising to consider the position which applies to primary schools. Apart from the provision of finance for library books, the Education Department takes no responsibility at all for the provision of a library. Frequently parents and citizens associations, through their efforts, manage to gain these amenities for schools, but the department itself accepts no responsibility. Members can imagine the resulting benefit if the Commonwealth Government took a greater interest in education, not only at secondary and tertiary levels but in the whole of the education system including primary and preschool levels.

As I have remarked, the board which will be set up under this legislation will not have an easy task before it. One of the difficulties which has given rise to the need for a board is the separation of courses in secondary schools from the requirements necessary for the University. In the past all secondary school courses have been dictated by matriculation requirements. The Achievement Certificate has been brought into the schools in an effort to break away from this.

One of the factors in the past which has militated against the institution of wider and more selective courses in secondary schools has been, I think, the attitude of the independent schools. I refer to the rather expensive secondary schools whose pupils are drawn from a more select and wealthier section of the community. Generally speaking, the parents of the children are better qualified and rank more highly on the intellectual scale and seek to achieve a higher education for their children. There has been a tendency on the part of this group, in particular, to oppose a deviation from the existing system of secondary education which links the Leaving Certificate with the matriculation examination.

However, if there is to be an improvement, and if there is to be progress in the quality of education in our schools, this connection must be broken. Not everybody is suited to a University education. The State does not need only academics; it

also needs technologists and skilled tradesmen in many fields. The section of the community that can benefit from a University course is relatively small and it is wrong that the whole of our secondary school education should be directed towards this one aim.

Therefore, this is one of the problems which the board will have to face, because it will have to ensure that this connection is finally broken. It can be done, I think, through a matriculation year, which would be separate altogether from secondary school years. Through this legislation, the board should be able to arrange for this, provided all those who are represented on the board co-operate.

Some degree of selection exists in the courses which are now offered in schools. In the case of my oldest child I know that she was required to take four core subjects, but was able to select the other courses she would take. My daughter decided to take technical drawing, which is a course traditionally taken by boys. However, she is studying art at the Applecross High School and has this sort of interest. This kind of thing indicates that a start has been made towards making the education system more elastic.

The task ahead of the Education Department and the teachers is not an easy one, because a long background of tradition requires to be broken. Earlier, Mr. Dolan mentioned some of the fields that have opened up in recent years when there has been a great explosion in knowledge and a widening in the variety of occupations which children may enter. How can any one course in a secondary school fit a child for a particular occupation? It cannot be done. No matter what course a child undertakes one cannot prescribe at the time a child enters secondary school what it will do after it leaves school. It is a fortunate child indeed who knows from the time it enters secondary school the sort of career into which it will go at the end of that education.

It has been suggested—and I endorse this thinking—that training in occupations is much better undertaken once the secondary years of education have been completed when a person actually enters an occupation. In this way, training can be related to what the person is actually performing. This sort of education is much more effective and can be completed in a shorter space of time, because it is immediately practicable and has immediate application.

Many years can be wasted in educating a child in science, say, for argument's sake. A child may have no interest in science and will not require the knowledge gained once it leaves school. Therefore, another task of the board will be to examine the aims of education. What sort of a person are we trying to produce from our school system?

A great deal of emphasis—too much, in my opinion—has been placed on training for jobs; that is, in fitting a child for some unknown employment after it leaves school. I consider this type of education can no longer persist with any justification. There are many other areas concerned with the development of the individual which are being neglected in education today with a resultant cost to our community. For instance, we neglect the emotional and spiritual training of children. We give lip service only to the social training of children. Do we satisfactorily train children to communicate?

The Hon. G. C. MacKinnon: Does the honourable member think that spiritual training is the responsibility of the family or the school?

The Hon. R. F. CLAUGHTON: I have raised this question, but I do not attempt to give the answer.

The Hon. G. C. MacKinnon: I was merely asking.

The Hon. R. F. CLAUGHTON: I am not an expert in this field, but I consider this is one of the subjects which the board must examine and decide upon. Some responsibility for this form of training has been accepted in new courses that have been introduced into high schools. My own personal view is that spiritual training is largely the responsibility of the parents and that this training is more effective when it is given in the home than when it is given in a school.

An immediate difficulty which the board will face will be to decide what the aims of secondary education should be. It will have to decide whether there will be an emphasis—or over-emphasis, I contend—on employment needs to the neglect of the rounded development of the child. It will have to consider the necessity for school courses to cater in some way for individual differences in the way Mr. Dolan mentioned. It will have to consider the application of the Achievement Certificate which is set at three levels—namely, the advanced intermediate, and basic levels—and where the same material is to be covered, but to a greater depth of exploration in the advanced courses.

Obviously there will be an opportunity to develop new unit study methods whereby a child may progress at his own rate and to his own limits. Catering for individual differences can only be achieved when the means to do this are provided in the school. It cannot be done with a class of 40 children; it is difficult to do it with a class of 30 children. Also, it is difficult to do this without any of the teaching aids which are available today; namely, without the visual aids which can be produced but which are not produced to any extent in this State.

These are the kinds of things which the board will have to examine and it is to be hoped that the wherewithal to provide

these facilities will be made available by the Government. Of course, we can point to some changes that have taken place, such as the institution of the special music course at Perth Modern School. This is good, but it is only applicable to a selected group amongst the school population. What about all the other students who are not able to take part in this?

Some prevocational training courses have been instituted. This is good, too, and I hope they will be developed further. From my own brief experience of this type of training, I found it was of some benefit to children who did not take too kindly to academic courses.

With a little more time—

The Hon. L. A. Logan: You have eight minutes yet.

The Hon. R. F. CLAUGHTON: —to study this Bill I would have spoken at much greater length. I am not blaming the Minister for this. It is my own fault as I have not had the time available to study the proposals. However, I have outlined the chief points that I wanted to make. I believe the board will be responsible for effecting improvements to education under changing conditions and I am sure it will take into account the views of a cross-section of the community. The board will be faced with a difficult task in steering our education system into the space age, or the lunar age, but I am sure it will have the support of all members.

Debate adjourned, on motion by The Hon. J. G. Hislop.

MUSEUM BILL

Second Reading

Debate resumed from the 16th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [6.2 p.m.]: I am pleased to see this Bill before the House and I am hopeful that it will usher in a change in the pattern of museums in this State.

Over the years the Western Australian Museum has had something of a changing history. It was created some time in the 1800s, and originally the Museum was a small collection of exhibits and was set up in the old gaol, which was located on the site of the present Museum. The Museum was run by a small committee but we do not know who appointed it as the records have been lost. Apparently it had no constitutional authority until the 1911 Act, bringing the Public Library, the Museum, and the Art Gallery under the one authority, was passed. That legislation gave to the Museum, and to the other two bodies mentioned, most of the powers that are to be found in the 1959 Act.

It is interesting to look back through the debates which took place when the 1911 legislation was introduced. We are perhaps inclined to regard ourselves as

much more civilised and educated than were the people in those days, but it is revealing to read what was said at that time. With the forbearance of members I shall quote from the debates that took place to illustrate that the problems with which the people of those days were faced are not much different from our own.

I refer members to volume XL of *Hansard* for 1910-11, No. 3, page 3355, where The Hon. R. D. McKenzie said that 70,000 people visited the Museum and Art Gallery during the year and, during the same period, 65,000 had visited the Public Library. The more recent reports of the Museum do not give attendance figures except that the 1967-68 report stated that 9,000 children had attended each week during the first and second term holidays.

The Hon. R. D. McKenzie went on to say—

These institutions are absolutely necessary in any civilised community, and perhaps it is a pity that in a large State like ours where the population is so scattered we cannot duplicate or triplicate them, and have large public libraries, museums, and art galleries in two or three parts of the State.

Now we find, 58 years later, we are still trying to achieve the same thing.

The measure now before us does not provide for the setting up of a branch museum, except at Fremantle. However, it does provide the means by which branch or municipal museums can be established. The Hon. R. D. McKenzie said further—

But the finances of the State of Western Australia at the present time will not admit of this, so that it is necessary that we should give our attention for the time being to those institutions we have established in the capital.

So in the year 1969 the Museum is still established in a building that was erected in 1892. However, with some assistance, we might find a new Museum building established. I was hoping that when this Bill was introduced the Minister would have announced that tenders had been called for this new building. He indicated that tenders would be called at the end of October, but I think it would have been appropriate, when this measure was introduced, to announce the news that tenders had already been called. While referring to this aspect, I would like an assurance that finance will be made available in the present Budget for the building of the new Museum during this financial year.

Sitting suspended from 6.8 to 7.30 p.m.

The Hon. R. F. CLAUGHTON: Before the tea suspension I was speaking to this Bill the long title of which is—

A Bill for an Act to make provision for the re-establishment control and management of the Western Aus-

tralian Museum, the preservation of Historic Wrecks and for incidental and other purposes.

The measure is divided into seven parts, set out in clause 3 as follows:—

PART I—PRELIMINARY.

PART II—FUNCTIONS AND ADMINISTRATION OF THE MUSEUM.

PART III—PROPERTY AND FINANCE.

PART IV—BRANCHES AND MUNICIPAL MUSEUMS.

PART V—HISTORIC WRECKS.

PART VI—METEORITES.

PART VII—MISCELLANEOUS.

Clause 4 seeks to repeal the provisions of the existing legislation.

The membership of the board to be appointed under the Bill will be increased from five to seven and there is also provision for the appointment of honorary associates. Clause 9 sets out the functions of the Museum which, briefly, are: the general education of the public; the assembly and classification of collections made; the study and research of collections; the provision of facilities to encourage the interest of persons and groups; co-operation with institutions concerned with formal education; the training of employees who will be required for the administration of the Museum. This is an extension of the functions set out in the previous legislation. Also, this clause sets out more clearly what the staff of the Museum are expected to do.

Clause 10 deals with the appointment of seven trustees who shall govern the Museum, all of whom shall be appointed by the Governor. This method of appointment is different from the appointment of members of the Library Board the legislation for which lists the bodies that would be represented on that board. I will not comment on whether the provision in the Bill represents a better system of appointments than that set out in the legislation governing the Library Board.

However, such a situation is not unwarranted if the Museum is to have branches in the country. I made a similar suggestion when the Art Gallery Act Amendment Bill was before the House last year; that is, that there should be a representative of the local government bodies on the board when they are expected to play some part in the establishment of branch and municipal museums.

It is also interesting to compare the verbiage used in the two pieces of legislation. In this Bill the verbiage is more simple and concise, which I think is an improvement. Succeeding clauses deal with the functions of the board which are such that they can be found in any legislation of a similar nature.

I would be glad if the Minister, when replying to the debate, will say whether he considers the wording of clause 19 to be quite clear. Subclause (3) of clause 19 reads as follows:—

(3) A committee appointed by the Trustees pursuant to this section shall report to the Trustees on its activities at such times as they may direct.

I question whether the reference to the person who is to do the directing is made quite clear. In the manner it is phrased it is doubtful whether the "its" refers to the committee or the trustees. It would appear that it refers to the last noun.

Clause 25 lists the duties of the trustees. I do not think any objection can be taken to them.

The Hon. G. C. McKinnon: In referring back to subclause (3) of clause 19, if the word "its" referred to the committee, surely the same word would be used. It reads, "on its activities at such times as they may direct." It refers to the trustees as, "they."

The Hon. R. F. CLAUGHTON: I think that grammatically the word would refer to "its" rather than "Trustees."

The Hon. G. C. McKinnon: I seek leave to argue.

The Hon. R. F. CLAUGHTON: I will leave it for the Minister to consider. Clause 27 deals with provision of superannuation for the staff. On page 45 of its 1965-66 report, a doubt was raised as to whether the existing Act empowered the board to use its funds in this way. Therefore, the board must have felt some satisfaction when it knew that this provision had been included in the Bill. Although dealing with clause 27 first, I would point out that clauses 26 to 28 all relate to staff and employees in effecting the change-over.

Part III of the Bill deals with property and finance and this seems to be perfectly in order. Part V deals with the setting up of branches and municipal museums.

The Hon. G. C. MacKinnon: Did you miss part IV deliberately?

The Hon. R. F. CLAUGHTON: I am sorry; that is part IV. It deals with branches and municipal museums. I will say a little more about this in a moment. Part V refers to historic wrecks. Clause 38 provides for the payment of up to \$2,000 to the finder of an historic wreck, whereas clause 39 provides that any person, on finding an historic wreck, shall give notice of such finding, in writing, to the trustees as soon as possible. If a finder damages or removes part of an historic wreck or does not notify the trustees of the finding, he shall be liable to a penalty of \$200. These are reasonable provisions to incorporate in the Bill.

Subclause (3) of clause 39 sets out the form by which notification must be given of any historic wreck. I do not know what the position will be if a finder is unaware of the provisions of this legislation in regard to setting out in proper form, the notice of finding an historic wreck. I do not know whether the Museum intends to issue prescribed forms on which finders of historic wrecks can set out this information, probably in duplicate or triplicate.

Part VI deals with meteorites. It is interesting to see the way the Bill overcomes a difficult situation in regard to meteorites by reserving to the Museum only those found on Crown Land. By implication, it allows any meteorites not found on Crown Land to become the property of the finder. It is hoped that such a finder will be responsible enough to notify the Museum of any meteorites that are found, because no doubt they will be of great importance in increasing our knowledge of extraterrestrial bodies.

In respect of this Bill some interesting material has been set out in the annual reports of the Museum Board. The 1966-67 annual report gives the thinking behind the provisions in the Bill. It will be noticed from the annual report of a previous year that Dr. Ride made an overseas tour to study what went on in a number of countries in the world, and what was good and bad about them. He noted in particular the position of the museums known as folk museums, especially those in the Scandinavian countries. He noticed that a number of local museums had been set up in America by private persons, and sometimes by private persons in association with local authorities. He found that insufficient supervision was kept of the exhibits in those museums, and that very often the items were lost or damaged, or had deteriorated in some way.

The Bill is careful to ensure that the authority of the professional staff will be extended to municipal museums, so that proper care can be taken of whatever exhibits are shown in them. This State has a very short history, and the number of items that can be placed in these museums will be extremely limited owing to the small population and the large area over which the State extends.

The annual report of 1966-67, at page 24, makes some points in regard to local museums, and notice should be taken of these when a decision is made as to whether local museums are to be established. I bring these points to the attention of members to illustrate the extreme care and thought that have been given to the introduction of this Bill. The first point is that there should be local initiative before a museum is established. The demand should arise from the local population itself. It is felt that this will lead to greater interest in, and care of, the exhibits.

The second point is that local museums should be adequately financed. The third point is that matching grants should be made by the Government to the local authorities for this purpose. No useful purpose would be served by having a local museum if it were not adequately financed, if the exhibits could not be cared for properly, or if the staff were not trained properly. The fourth point is that expert technical oversight of the items to ensure that they are preserved should be applied.

In respect of branch museums, this method of organisation should concentrate the technical and qualified staff. These museums will be established with fully qualified staff. From there the staff could be sent to municipal museums when they are set up so that they can ensure that these museums are properly cared for. Finally, it is suggested that items which are collected in the municipal museums—once they are recognised by the Museum—should revert to the central Museum, and not remain uncared for.

In the annual report of the Museum Board some indication is given of the extent of the work that has been done by the Museum staff, of the diversity of their interests, and of the way in which they have worked in almost every sector of the State. On page 54 of the 1967-68 annual report the following appears:—

Garden Island

(28th to 30th November, 1967)

In November, 1967, the University of Western Australia ran a student project on the physiography and biology of the southern flats of Garden Island and Cockburn Sound. Dr. B. R. Wilson and Miss A. Paterson attended between the 28th and 30th to take part in teaching activities and to prepare collections of invertebrates for the Western Australian Museum.

Kulin-Jitarning

(3rd to 4th November, 1967)

Following a report of a sighting of dalgites (rabbit-eared bandicoots, *Macrotis lagotis*) at Jitarning, I visited the area on two occasions, but was unable to confirm the report.

Tuna Survey Flight—Broome

(8th to 13th December, 1967).

South-West Cave Area

(11th to 13th December, 1967).

Visited the South-West to examine fossil and Aboriginal sites in Mammoth Cave and Devil's Lair.

I feel the staff are doing a tremendous job under difficult conditions. They have a large and an unexplored field to investigate, with insufficient personnel and inadequate finance. In addition, the facilities at the Museum are inadequate. Some of this is brought to light in the

1967-68 annual report. On page 17, dealing with the division of human studies, it states—

The urgent need for legislation to protect Aboriginal sites and material culture caused members of the Division, particularly the Department of Prehistoric Archaeology and Anthropology, at the request of the Minister's Advisory Committee, to pay particular attention to the nature of such legislation, and to prepare draft suggestions for consideration by the Minister. Unfortunately, despite the urgent need for a full-scale Aboriginal Material Culture Salvage Programme in the State, which was recognised when the Division of Human Studies was created in 1966, lack of finance has prevented the appointment of the necessary Curator and staff, and this still remains an urgent State problem.

On almost every page of the annual report similar references can be found. These reports are worthy of study by members.

In respect of birds, reptiles, and amphibians, on page 35 of the 1966-67 annual report the following appears:—

The egg collections (including that donated by the late Mr. C. L. E. Orton) are likewise predominantly Western Australian, but coverage and depth are very poor. The collections are extremely cramped, and there is scarcely any space for increasing them.

On page 31 of the same report, the reference to crustacea is—

There is insufficient storage space for all the unsorted specimens at present held in bulk samples and this factor (rather than availability of specimens) will limit further expansion of the collection.

On page 36 there is the following:—

Because of limited storage space it is becoming increasingly difficult to maintain the collection in orderly fashion.

The osteological collections are barely begun. There is no proper storage available for them or for other dried material (skins of crocodilians and chelonians).

On page 37, in reference to fossils, the following appears:—

No doubt one major goal in any provincial museum of natural history is to preserve for posterity at least one example of every taxon recorded from the province and adequate study series of most.

I would now like to refer briefly to the question of wrecks, and this is mentioned in the 1966-67 annual report. On page 14 reference is made to the difficulties being encountered with wrecks that are known.

The Museum was not able to handle the specimens that had been brought in, because of lack of laboratory and workshop facilities. It did manage to set up a make-shift laboratory subsequent to the 1966-67 period. This report appealed for finance to assist in this direction.

In the 1967-68 annual report, in reference to wrecks, a list setting out the great amount of work that has been done appears. The steps taken to preserve those wrecks are also set out. The report refers to the establishment of a laboratory at Perth and Fremantle; but whether these laboratories were fully equipped at the time is not mentioned. I certainly hope they are fully equipped.

I feel the Bill is a good one, with the exception of one minor point which I raised, and I believe an amendment is also foreshadowed. I would urge the Government to give an assurance that finance for the proposed Museum building will be made available, because the references appearing in the annual reports show an intense need for additional space to enable the Museum to fulfil its functions. It has been said in this House previously that Western Australia possesses flora and fauna and physical characteristics which are unique and peculiar to the State, and these cannot be studied anywhere else in the world. It is therefore our responsibility to record them and to preserve them, especially where they are in danger of being wiped out.

With those comments I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [8 p.m.]: I wish to deal only with that portion of the Bill which refers to historic wrecks, and which is set out in part V. This new section of the Bill replaces the section in the old Act which dealt with historic wrecks. The old Act, of course, is now to be repealed.

I refer, in the first place, to the definition of "historic wreck" which is to be found in clause 6 of the Bill. An historic wreck means, firstly, any ship which is mentioned in the schedule to the Bill and, secondly, any other ship that was abandoned or wrecked before the year 1900, and which is lying below low-water mark in the territorial waters of the State. That is a summary of the provision in clause 6 of the Bill. The definition includes any part of such ships.

Six ships are mentioned in the schedule to the Bill, and they are named in chronological order of being wrecked. To start with, the *Trial* was wrecked in 1622 near Barrow Island, in the vicinity of where Wapet now has a drilling rig. The *Batavia* was wrecked in 1629 in the Abrolhos. The *Gilt Dragon* was wrecked in 1656 in the area near Lancelin. The *Zuytdorp* was wrecked in 1712 near the mouth of the

Murchison River, and the *Zeewyk* was wrecked near the Abrolhos in 1727. Finally, there is what is known as the *Cottesloe* wreck which occurred in approximately 1600.

Those wrecks are all classed as historic wrecks, and the definition will now include ships which were wrecked or stranded before 1900, and which are lying below the low-water mark in the territorial waters of the State. I will return to that phrase in a moment when I deal with the question of jurisdiction assumed by the Bill.

Part V, which I will summarise very briefly, has already been referred to by the Minister and by Mr. Claughton, and it states that the reward which is mentioned in clause 38 of the Bill—up to \$2,000—will be paid to the finder of an historic wreck. It is further provided that an allowance—at the discretion of the Minister and the trustees—will be paid for work done in recovering and obtaining possession of the wreck.

The trustees will then take such steps as may be necessary or desirable to recover, display, or preserve the wreck in the Museum. Clause 39 of the Bill lays down the duties of the finder of a wreck, and clause 40 states that any historic wrecks which are of national or local historical interest, or of scientific, archaeological, educational, or other special local or national interest, are vested in the Museum.

Subclause (5) of clause 40 refers to the finding of gold, silver, or bullion, in a wreck. In addition to the reward, if a finder is entitled to it, and in addition to the expenses and allowances for the work done, if the wreck contains gold, silver, or bullion, the finder is not entitled to that gold, silver, or bullion, but is entitled to the market value of the metal content.

The Hon. F. J. S. Wise: Is that provision identical with the 1964 Act?

The Hon. I. G. MEDCALF: It is very similar; basically much the same. However, the provision now means that the trustees are not to hand over the gold, silver, or bullion, but to pay the market value of the metal.

Clause 41 of the Bill is a new provision which does not appear in the old Act. The clause states that the trustees, or the Director of the Museum, may give up a wreck if it is decided that it has no historical importance. At the moment the present Act contains no power to do this, and it could cause embarrassment if a wreck is taken over and, after inquiry, it is found to be not of any interest. The trustees will now have power to recommend that such a wreck is no longer an historic wreck. This is important, administratively.

Clause 42 also contains a new provision that certain property is not to be disposed of without reference to the trustees. The reference is to property which was taken from historic wrecks before the 18th December, 1964. I assume that is the date on which the old Museum Act was proclaimed. Property taken from a wreck before that date has now to be notified to the Museum, unless that action has already been taken. The trustees will have the right to examine the property for a period of 30 days, or such longer period as may be agreed upon. The trustees can take photographs, make sketches, and generally catalogue the property and record all data necessary.

Unless it is otherwise agreed upon, the property will be handed back to the owner. This property, of course, would have been acquired before 1964. In expressing my own personal opinion, I do not think the clause goes far enough. I think that property acquired before 1964 may have some great intrinsic value to the Museum and the community as an object of interest. I feel there should be power to acquire that property compulsorily provided that a fair valuation is placed on it, and that a fair price is paid to the person who is otherwise the owner of it. The clause does not go that far, and the trustees evidently do not consider it is necessary to go that far. I think the compulsory acquisition of certain objects in certain cases is a reasonable proposition, especially if the objects are of national or historical interest, and provided a fair price is paid for them. It may not be essential that the trustees should purchase the objects, but I would like them to be able to use their discretion.

If I might leave the clauses of the Bill, to which I have referred in detail, I will deal briefly with what I believe to be the importance of part V of the Bill. I refer to the importance of this part of the Bill to the community, and the importance of preserving historic wrecks for the State and the community. Subject to your interpretation, Mr. President, I believe this is very relevant to the Bill because this is the underlying reason for the measure. I wish to mention, if I may, why I think it is significant that we should, in fact, have legislation on the subject of historic wrecks. The wrecks which we have on our coast are now yielding up to investigators a number of very valuable objects.

It is only in the last few years that we have become aware of the importance of our wrecks, and their importance to our Museum and to our community. I refer to coins, pottery, cannons, anchors, ballast material and many other objects of great antique value and of great interest to students of history. Such objects help us to enlarge our understanding of trade in the 17th and 18th centuries—trade between Europe and the Far East.

They help to piece together and preserve the evidence of history which is fast disappearing in other parts of the world, and which we still have intact in the form of wrecks. Coins are of intrinsic value as a treasure trove, and are useful, if subjected to proper scientific testing, in enabling us to determine the source of the silver and other minerals—through trace elements—the standard of mining in those days, and the course of debasement which occurred in the coinage over a period.

Western Australia is one of the few places in the world where we still have this evidence on our doorstep. Perhaps we have not previously been aware of it, because once a ship is wrecked it very quickly becomes encrusted with coral. To the average observer, who might pass over a wreck in a boat, the wreck is not discernible, because it looks like a coral reef. Due to the action of the sea these wrecks have been preserved under the coral, and I believe that more and more of them will be discovered in the next few years.

Other articles, apart from coins, will help us to determine where the ships came from. I refer to the ballast bricks. We can determine where they were made and what type of bricks they are. The bricks will tell us what type of raw material was used, and the processes of manufacture in former days. They will throw a great deal of light on the industry and trade of those times, the like of which cannot be found in other places today.

The cannons, which have been so much a feature of exhibitions of items recovered from wrecks, and which are at present in the Museum and in other places such as Geraldton, illustrate all sorts of things. They fill gaps in historical knowledge for the reason that in the old days there was such a shortage of metals, such as iron and brass, that the existing weapons had to be melted down as they became obsolete. If a new type of artillery was produced the old cannons would be melted down to produce the new. For that reason many old cannons disappeared, and some of the cannons lying in wrecks off our coast are unique. Hence, a great heritage exists in this State which is available to historians and students of marine or maritime archaeology.

The cargo to be found in the wrecks helps us to ascertain what the trading interests were at the time. We can find out where the ships were headed for from the records in Holland and in England. It can be discovered what particular trade the ships were engaged in, and where they might have called on their way, and what trading the ships did at intervening ports.

For example, elephant tusks were found in the wreck of the *Gilt Dragon*. The elephant tusks were shipped from the Cape of Good Hope and that is an example of the type of information which can be obtained from the wrecks.

The *Trial*, which is the first vessel mentioned in the schedule to the Bill, was actually wrecked in 1622. I can recall learning when at school, that the first Englishman to come to Australia was Dampier, in 1688. However, if the present wreck proves to be that of the *Trial* then history will have been corrected because the *Trial* was an English ship. If the vessel which is off the Montebello Islands, and which is at present under investigation, proves to be the *Trial*, then this will be a very important discovery in history.

It will establish a link with the very first founding of the English East India Company. The *Trial* was wrecked only 20 years after the East India Company was founded. The wreck will show exactly what the English merchants were shipping to the Indies at the time. Great rivalry existed between the English and the Dutch in this trade.

As a matter of fact, it was just about the time of the famous massacre of Amboyna, when the Dutch massacred English merchants at that place. The ships themselves contained cargoes of vast interest to historians, and therefore it is important that we should appreciate this and realise that special interest is required to be taken by us to ensure that these wrecks are not pillaged and plundered, and that adequate steps are taken for their preservation, and for the surveillance of wreck sites.

Periodic inspections should be carried out to ensure in fact that the benefits are derived by the people of the State and items are not taken and despoiled by a few.

I would like to turn for a moment to the question of jurisdiction which, I believe, is basic to this entire Bill. The jurisdiction to which I refer is the jurisdiction of the State Government to pass this Bill dealing with historic wrecks which are located on the continental shelf. There has been, and still is, quite a lot of conflict in legal circles as to whether or not it is appropriate for the State—or how appropriate it is—to legislate on this subject. The matter is covered by other Statutes of the Imperial Parliament and the Commonwealth Parliament. For example, the Commonwealth has passed the Navigation Act under its trade and commerce power. Section 308 of that Act states that the Commonwealth shall be entitled to all unclaimed wrecks found in Australia.

That, of course, is contrary to the provisions of the Museum Act, and it may well be that the Commonwealth has no jurisdiction in spite of the fact that it has passed the Navigation Act, because that Act was passed under the trade and commerce power of the Commonwealth. Whether historic wrecks have anything to do with trade and commerce is another matter; but probably they have not.

Then we have to look to the Merchant Shipping Act, which is an Act of the Imperial Parliament, and which may well have application in Western Australia. Section 523 states that Her Majesty—that is, the late Queen Victoria—and her successors, are entitled to all unclaimed wrecks found in any part of Her Majesty's dominions except in places where Her Majesty or Her Royal predecessors have made grants to other persons.

The Hon. A. F. Griffith: There is that word "dominions" again.

The Hon. I. G. MEDCALF: Yes. I thought the Minister might notice it. That Act may still apply here. I would not be so bold as to venture to say that it does; what I am saying is that there is a very definite area of doubt. As to part V of this Bill, I think our constitutional position in Western Australia in dealing with historic wrecks is somewhat shaky. I believe we should pass this Bill—I am wholeheartedly in support of it—but, as I say, it is my opinion that our constitutional position is somewhat shaky and I would strongly counsel the Minister to seek an early opportunity to confer with the Commonwealth on this subject.

The Hon. A. F. Griffith: I have just done that.

The Hon. I. G. MEDCALF: Well, I think the Minister should have another conference. Our constitutional position has been made more shaky by a recent case, the State of Queensland *versus* del Machi. del Machi was a fisherman who was fishing six miles off the coast of Queensland. It was indicated in the course of the judgment which was recently delivered, that the incidents were beyond the jurisdiction of the State of Queensland, because del Machi was six miles off the coast and therefore he was unable to be prosecuted by the State. Other reasons were involved in the judgment, but this view appeared.

The Hon. A. F. Griffith: I think one of the judges made a suggestion that minerals might be dealt with similarly.

The Hon. I. G. MEDCALF: That may be so. I mentioned the case to show—and I believe the Minister would agree with this—that our constitutional position does need tidying up. For the reasons I indicated, we cannot leave the position as it is. If there are constitutional difficulties—and I believe there are—they should be put right.

One point to which I would draw attention is in connection with the phrase I mentioned in the definition of "historic wreck." The definition contains a reference to an historic wreck which is lying below low-water mark in the territorial waters of the State.

I question the necessity to use the phrase "in the territorial waters of the State." I know it has probably been included by the draftsman for good reason, because he probably believes that it means the three-mile limit. This may or may not be so; but it may introduce constitutional difficulties if it is included. I believe it would be better left out, but I do not suggest we should do anything about the matter now, because I would not, for one moment, hold up what I believe to be a piece of necessary legislation. However, I strongly urge the Minister to look into the question of whether it might not be advisable in some future amendment to delete the words which refer to the territorial waters of the State. I do not think this would take anything away from the Bill and it may, in fact, add something.

The Hon. J. Dolan: How could you add something to a Bill by taking something away?

The Hon. I. G. MEDCALF: We seem to be limiting ourselves to the three miles.

The Hon. F. J. S. Wise: Yes, by specifying it I think we do.

The Hon. G. C. MacKinnon: Instead of saying "shaky" use the word "unresolved."

The Hon. I. G. MEDCALF: I would like to make these suggestions: Firstly, that we do not restrict our own position and that we take an opportunity at some time in the future to have a look at whether we can do without the phrase I have mentioned. It is a vague term and it is an arguable one. Secondly, I suggest that in spite of the Minister's remarks that he has not got very far with the Commonwealth, we should take an early opportunity to tell the Commonwealth that we want the situation straightened out.

I believe, in spite of the Imperial Act, it will be necessary for the State of Western Australia and the Commonwealth to straighten out these problems if they have to be taken to the Imperial Parliament.

The Hon. A. F. Griffith: They have been told in no uncertain terms by each State in Australia.

The Hon. I. G. MEDCALF: I am not being critical, and I am quite sure this is so.

The Hon. A. F. Griffith: I do not think the Labor Party—

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: I am not being critical of the Minister and I am quite sure what he says is so. I believe right is on our side and therefore we must make this transparently clear to the Commonwealth and give our reasons so that they see that they must endeavour to help us in this matter.

I believe the Commonwealth would appreciate that there are very good reasons for at least doing something about the immediate problem of historic wrecks, leaving aside other questions which the Minister may have referred to. I have mentioned that there is a likelihood of more discoveries of wrecks which would come under the definition of "historic wrecks"; that is, discoveries of vessels which foundered before the year 1900. I believe that the new techniques and skills which are now used by skin divers and underwater explorers will enable new wrecks to be discovered, because many more vessels were wrecked on our coast than have ever been discovered. I believe more discoveries will be made. Perhaps that strange craft which the Minister for Health mentioned on another occasion, which is a type of submersible and searchers for crayfish, may have some possibility of being useful in this connection.

As Mr. Cloughton has said, the Museum laboratories are full, and if more important discoveries are made we will have to face the situation and still grasp the opportunity we have and ensure that we are able to preserve the discoveries. We may need more help to discover wrecks—although perhaps we do not need more help in that direction immediately; perhaps we need more help at present in regard to the inspection and surveillance of wrecks. What is the use of discovering wrecks if they are pillaged and plundered by all and sundry and there is nothing we can do about it?

I say without any criticism that I believe the Museum has its hands full and we may have to devise a cheap method, if possible, of providing some effective means of surveillance and inspection. The obvious method which comes to mind and which should not be expensive, is that a periodical inspection should be made—say, six-monthly or 12-monthly—and carried out in a proper manner by archaeological experts who would take undersea photographs of the wrecks from time to time, collect data, and ascertain whether the wrecks have been plundered; and, if so, take steps to investigate what has happened, in order to arrest what can only be described as malicious activity.

We need a set-up to enable us to preserve what we have at the moment, quite apart from fresh discoveries. I feel we must face the prospect that the authorities administering historic wrecks will undoubtedly need more support; they will need more experts; and there will probably be a need to establish a division of marine archaeology with survey and surveillance duties. First of all, a proper archaeological survey should be made of each of the wrecks named in the schedule and of any further wrecks which are discovered. Then regular, periodical, and proper inspections should be carried out.

THE HON. F. J. S. WISE (North) [8.28 p.m.]: I strongly support many of the opinions expressed by The Hon. I. G. Medcalf. This Bill not only repeals the Museum Act—its predecessor—but it also makes provision for a much wider scope of this very important work in the history of our State. From the outside, our Museum is a pleasing architectural structure. On the inside, because of the cramped circumstances—even though we are a very young State—the Museum is unable to give effect to the proper display and proper treatment of valuable material belonging to the State.

I know this may be done by this measure and I think the new board—trustees, as they will be called—will be of benefit to the State. As the House resumed after the tea suspension, the Minister kindly commented that he noticed some contributions of mine which are in a certain section of the Museum and which I know to be of very great value. I think a great deal can be done by individuals, not only in the sense of all the articles which the Museum can hold and display, but also in the section that belongs to the Public Library—the archives section.

In my view it is one of the most important semi-departments of the State with which we are blessed. It is doing an amazing job. It is now to be taken from control under the Museum Act and placed under the jurisdiction of the Public Library.

I do not think it is generally recognised how valuable a museum is to the State or country in which it is housed or presented. Some of the countries overseas make millions of dollars a year from visits by tourists who look for something of a particular interest in a world sense; some aspect which is associated with the history of the country in question.

Mr. Medcalf has said quite a lot in regard to wrecks. If we take the Scandinavian countries as an example—Norway, Sweden, and Denmark—which several members of this Chamber have visited, we will find that famous craft, the *Kon Tiki*, existing forever as it was when it crossed the Pacific Ocean.

This is worth tens of thousands of kronor per annum; money which is paid by people who come to view the *Kon Tiki* in the state it was when it crossed the ocean. We all know of the remarkable wreck which was raised after 300 years—it was raised *in toto*—and which caused so much interest. The ships of the Vikings are also to be found in a state of quite extraordinary preservation. As we know, these ships were travelling between the Scandinavian countries and Great Britain in the first century A.D. They are in a remarkable state of preservation and bring to the countries in whose museums they are housed a very fine income. Quite

distinct from that, there is the important aspect of retaining these pieces of a nation's history.

I would like to speak mainly in connection with an aspect of the Bill which was mentioned by Mr. Medcalf. He referred to the schedule to the Bill which includes the names of ships which were lost on our coast in the 17th and 18th century. I was in Onslow in about the middle of May when an expedition returned from a ship which has almost assuredly been identified as the *Tryal*, which was lost in 1622.

I spoke to one of the persons who returned from that expedition and who was most active in inspecting and locating the ship. He referred to it as the *Tryal* and said there was almost certain proof it was the wreck so named. I had no interest whatever at the time in whether the *Trial* mentioned in the schedule to the 1964 Act was correct or not. This was referred to by those who visited the ship last May as the *Tryal*. Because of that fact, and knowing that the word is spelt *Trial* in his Bill, I undertook in the last day or two to do some research into this matter on my own behalf.

Members who are interested in the subject will have noted a very fine comment in yesterday morning's paper in which a gentleman from the Museum named Bannister made some interesting remarks in connection with this wreck. The name used was *Tryal*.

It is also interesting to observe that in our own records of proceedings of the 9th September, 1969, Mr. Medcalf asked some questions in connection with a vessel believed to be the British ship *Tryall*, which sank in 1622. If members look at the Bill they will find in the schedule the 1622 wreck named as the *Trial*. Actually this was the ship *Tryal*.

Some members might find this to be trivial but I think it is important that in the Admiralty Charts the rocks charted in this particular location are called the *Tryal* rocks. I also found from the National Maritime Museum of Greenwich that reference was made to the *Tryal*. That reference was made in communication with our own Museum authorities. Naturally the National Maritime Museum at Greenwich is a very authoritative body; it is one which would express itself with meticulous care in the naming of a ship such as this.

In the pilots' manual which is used by pilots on our own coast the word is spelt *Tryal* and reference is made to *Tryal* rocks. The hydrographic section attached to the museum also gives the name as *Tryal*.

Through the courtesy of one of the grand officers of this State—and I refer to Miss Molly Lucas of the State Archives Section

—I was able to discover that Bronwers' sailing directions issued to Dutch navigators early in the 1630s alerted sailors and warned mariners of the Tryal shoal. In *Horsebroughs' Indian Directory*, which was used for ships in the days to which Mr. Medcalf made reference—the days of the East India Company of the 18th century—the shoal where these rocks are located is named Tryal shoal. It is also interesting to note that in his records Flinders also wrote of the Tryal shoal. It is obvious that the point I am endeavouring to make is that it would be a pity not to have the correct name in the schedule to the Bill, particularly if it can be proven that the word *Trial* is not actually correct.

I concede that in the case of Dutch names, because there are violent alterations as a result of interpretation and spelling, it is necessary to use other specified names. However, as the words Tryal rocks are mentioned in the *Admiralty Sailing Directions* I think we have a very good basis to have in the schedule to this Bill the word spelt either *Tryal* or *Tryall*. I think it is important that we should be referring to a specific wreck at latitude 20° 45' S and longitude 115° 22' E, which was discovered in the middle of this year in this exact spot and claimed to be by a very well known diver of this State the *Tryal* of other days.

I would like the Minister to make further inquiries, perhaps tomorrow. I think the matter is sufficiently important, and if he wishes he may have my notes and the information I have been able to obtain. It might then be possible to correct the name in the schedule to the Bill. It would help even if we say, "known as"; and if we did not specifically use the word *Trial*.

I think the Bill is a very good one and there is only one complaint I would find with it. I have mentioned this matter before and I am sure our Chairman of Committees and the Deputy Chairmen of Committees would agree with my point of view. I would point out that in the sections which have been lifted from the parent Act of 1959, which carry forward some of the original Act of 1911, there are no marginal notes which indicate where the clauses came from. In the drafting of hundreds of earlier Bills that have gone through this Chamber, one would not find many cases where, in the marginal notes, which are not part of the Bill itself, there is not a reference to, say, section 124 of 1956.

It will be found that whole clauses of this Bill are sections lifted from the other Act and the marginal notes should indicate this. It is not complete drafting unless this is done, because unless one knew where to look for a particular aspect in some older legislation it could take hours to find a simple reference. The marginal note on the other hand would indicate that clause

9 of the Bill belonged to section 12 of 1956, or 1959. I think this is important and I mention it in passing. I strongly support the Bill.

THE HON. E. C. HOUSE (South) [8.43 p.m.]: I think one could consider this Bill as possibly one of the most interesting that has come before the House. It is so different because it is constructive and seeks to provide a benefit rather than to take something away, as is the case with some other Bills with which we deal. There is no doubt whatever that those who designed the measure should be complimented for the thorough manner in which it has been put together.

It makes one feel that only just in time are we waking up to the value of the assets we have in this State. Mr. Medcalf and Mr. Wise have dealt very thoroughly with the wrecks that lie off our coast and the immense value they represent if they are preserved for future generations. No doubt, as Mr. Wise suggested, the tourist trade would benefit considerably, particularly if we could interest those people from the countries from which the wrecks originated. It would certainly be an attractive proposition.

One facet which has not been covered very fully in the debate, but which I am pleased to see is provided for in the Bill, is contained in clause 9, portion of which reads—

9. The functions of the Museum include the following—

- (b) to make and preserve on behalf of the community of the State collections representative of the aborigines of the State, the history of the exploration, settlement, and development of the State . . .

Although we are a relatively young country, so far as the history of countries is concerned, the very fact that Australia is probably the oldest continent in the world and that we have made such rapid progress, makes our history an interesting story.

As Mr. Wise said, the representation of the living standards and events in the history of other countries is broadly portrayed in other parts of the world. One museum to which I would like to refer is the one in Cairo, in Egypt. Of course, many of the displays there have been made possible by the excavations of the tombs of the Pharaohs and the treasures that have been disclosed. However, much more is revealed. Evidence indicates that the civilisation there reached a peak and then the country fell back to a third or fourth-class nation.

A great deal of time is necessary to go through the museum in Cairo, where even evidence of the diseases of the body, suffered in ancient times, is displayed. This

makes interesting viewing really because it reveals the same sort of diseases we are experiencing today.

The point to which I really wish to draw attention tonight concerns the preservation of the history of the Aborigines of this State. When the white man originally came here he found a very proud race of people with a strong moral code. It was a race which managed its affairs very efficiently and could control its breeding rate to keep pace with the amount of game available in the various areas. The tribes which existed at that time were of a high standard.

In the case of the Weebo stone, we have an example of how necessary it is right now, with the advancement and rapid development of the State, to preserve things for future generations. Therefore I hope that in our museums will be found a very prominent section dealing with the full history of the natives.

Not many people know that if a pencil is used to link up on a map all the towns the names of which end with "on," all those which end with "in," and all those which end with "up," the boundaries of the three main tribes which existed when the white man first came here will be revealed. It will also be revealed that each area includes a section of coastline, a section as a game reserve, and so on. The boundaries were very well thought out.

It was not until the measles outbreak in, I think, 1898, that the tribes were depleted to such an extent that they lost their real identity. This is the type of information which the provisions of this Bill will help to preserve so that the part that has been played by these people before the arrival of the white man will be revealed to all those who visit the museums. This, of course, will include tourists and future generations of Western Australians; and, in my opinion, nothing is more valuable than this because otherwise we would never know of the Aborigines as they existed in that particular time.

The wealth of knowledge which can be exhibited in a popular museum, if it is properly conducted, is almost unbelievable; and this Bill will ensure this, provided sufficient money is available. We will cover events going as far back as the convict days, and those days present a very interesting story in themselves, because the progress of this State commenced at that time.

Mining will also be covered. In Kalgoorlie and Coolgardie at present an effort is being made to preserve many of the tools and much of the gear and so on used in the old days, by the mining community, when the areas were rich, not just in a monetary sense, but also historically.

I compliment the Government on the way it has tackled this matter. I hope that all those who have charge of the

creation of the Museum and the preservation not only of wrecks, but of the whole history of Western Australia as we know it, will be enthusiastic about their work. We know only too well how quickly things can die out and then they are lost forever. Fortunately the wrecks are in the sea and, until recently, no-one could get at them, and they have not, as yet, been destroyed in their entirety. Therefore we have an opportunity to reshape the story of what occurred to those ships. I compliment the Government on its action and have much pleasure in supporting the Bill.

THE HON. G. E. D. BRAND (Lower North) [8.52 p.m.]: I, too, would like to make a few comments on this Bill which will undoubtedly update the legislation covering museums.

With the rapid advancement of education at the present time the work of museums is of the greatest importance. The high standard of education brought about by an intense quest for knowledge, plus the necessity for high qualifications for many jobs, renders the work of historians, archaeologists, and others who operate in the sphere of the Museum, very important.

One of the more important facets of the Museum is, of course, the study of anthropology and affairs connected with the preservation of sacred sites and tribal grounds, weapons, customs, and relics of bygone times, particularly in this State. This, of course, could almost be a complete study on its own, although much progress has been made already over the years.

I would very much like the anthropology department of the Museum to make an intensive study of the whole State and mark on maps the exact location of all sacred sites. Such a project would be of great use to mining registrars and also to prospectors who peg leases or prospecting areas only to find after a while that they have been in a sacred area. In this regard, we all know what happened in connection with the Weebo stone. It would be an excellent idea if a map showing the position of all sacred sites were available.

I know the Native Welfare Department has a number of maps giving a great deal of detail, and I know a number of private people have similar information. Mr. Bob Collard who runs a safari through to Alice Springs, has mapped a number of areas, and this information could be of great importance to mining registrars.

I think most people know that once upon a time the sea covered a great portion of the Eucla Basin and the area between the scarp and the present coastline. However, many people at the opening of the last part of the bituminised section of the Eyre Highway by Sir David Brand last Friday were quite intrigued to find

fossilised articles, including shells, and suchlike, right on top of the scarp. This is an area which would be of great interest to explorers.

We know that meteorites have been found there, some even containing diamonds. I know that ambergris has also been found there, as well as a great number of different types of minerals.

Once again I stress the importance of having available a map showing the information I have mentioned, for the use of the Mines Department. I commend the Government on the Bill, which I support.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.57 p.m.]: To my mind this Bill is part of the general framework of legislation dealing with conservation in the State, and I think it is of tremendous interest to know that Bills dealing with conservation, whether of history, fauna, or anything else, have excited the attention of the House in the way they have. It is a very interesting development and a sign indicative of the increased awareness, not only of those within this House, but of those within the general community of Western Australia, and, indeed, of the world, that there is a rapidly increasing interest in conservation as it applies to nature, history, our whole system of economy, and everything else. This is evidenced I think, by the very interesting contributions which have been made to this debate.

I would like to refer to one or two matters raised. Mr. Cloughton said he thought it might be worth while having a representative of local authorities as a trustee. Strangely enough, I do not agree with this. I believe that with boards and trusts of this kind, particularly, the situation is better if an open choice is possible. It could well be that one of the persons might have had experience in this field, but I believe a person should come to a board of the Museum uncluttered, if I may use that word, by a sense of responsibility to any other body but the Museum.

In my short experience I have found this somewhat difficult to attain. When a representative of a particular organisation is chosen, he feels he has some sort of obligation to represent the points of view of that organisation, whereas on the Museum Board he should not be in this position. I know Mr. Cloughton was merely making a suggestion and had no desire to change the Bill. I am merely submitting the opposing view.

One or two of the points raised by Mr. Medcalf were interesting because they raised what is so often a problem in conservation of any sort; that is, a conflict of interests.

Conflict between private and public interest occurs in many other fields. A person may possess something which might be of intrinsic value to him as an individual. However, such is its value in

relationship to our history, that its value to the public—Mr. Medcalf believes—on occasions outweighs any private rights which may exist. I agree with him and I think all members would agree on that point.

I will bring this point, along with many others, to the attention of the appropriate Minister so that these matters may be considered. I have no doubt that as good or as bad as the Bill may be, time will bring the necessity for amendments and these matters can be duly considered.

Of course, the matter of the control of territorial waters—waters adjacent to the State—is one which is unresolved, as Mr. Medcalf knows, and is one which is exciting a considerable amount of interest. It interests my colleague, Mr. Griffith, as Minister for Mines, and it interests me as Minister for Fisheries and Fauna. Further, there is a great deal of outside interest in this matter. Strangely enough, the information which we have been able to obtain so far as fishery is concerned indicates that this problem has not yet been resolved even within the maritime States of the United States of America. I agree this should be resolved, but I make one proviso: that it should be resolved in our favour.

The Hon. A. F. Griffith: But not in a court of law.

The Hon. G. C. MacKINNON: Perhaps some care would have to be taken if it is to be resolved legally in respect of who would make the resolution.

A number of members have quite rightly said that more will be required all the time and, of course, more and more money will be necessary, because any sort of conservation—and particularly when it is allied to the detailed study that is necessary in a museum—is tremendously costly. However, the interest of the community does, to a marked extent, determine the flow of events. I believe there are many indications that all forms of study concerned with the conservation and collection of interesting relics and the like are receiving closer and more sympathetic attention from the Treasurer. Further, I believe this attitude will not only continue but there are indications that it will perhaps be speeded up.

With regard to the drafting of the Bill and the marginal notes which were mentioned as an aside by Mr. Wise, I, too, have noticed how helpful they are when I have been studying Bills. This matter, too, will be passed on to the appropriate Minister.

Mr. House and Mr. George Brand dealt with the matter of the collection of information which is relative to Aborigines and is specified in clause 9 (d). I am sure they are just as aware as I am of the great difficulties which are encountered in the collection of relics and the like from an early stone age people. Indeed, I understand that some of the tribes are not

really stone age but have received stone age artifacts from another tribe. Further, virtually all these possessions are easily destructible.

The Hon. G. E. D. Brand: The natives will not tell one where these places are.

The Hon. G. C. MacKINNON: Of course the situation here is vastly different from Egypt which had a very advanced civilisation. A tremendous amount of that material was very durable and was kept in a dry climate in enclosed spaces. However, members are fully aware of this.

Mr. Brand would be well aware that there are problems associated with locating areas which are of real religious significance to natives. If it is a religious matter, the natives consider it is no business of the white man and they will not tell him anyway. If they do give information, as likely as not it will be misleading. I understand it takes a long time to obtain their confidence to the extent that they will divulge sacred ceremonies. The attitude taken is that it is no business of anyone else and that is that.

From what I have been told I understand that many of their sacred rites are performed in a purely symbolic way. Apparently there is not actually the need to go to the sacred area to perform a particular rite. It can be performed in any area which symbolically becomes a sacred area, although, at some time in their life they have to go to the sacred area.

The Hon. R. H. C. Stubbs: Symbolism is not restricted to them.

The Hon. G. C. MacKINNON: No, this is something which has been developed by all people. One surprising thing is the extent to which it has been developed amongst a very primitive people. I have been told this by those who have studied the Aboriginal and his environment. Apparently he has an obligation to go back to the sacred area, but he can wander through this on his own or in a party. Apparently Aborigines do this and at the same time do not look as if they are doing anything of great moment. However, it is a very important part of their culture.

I thank members for the contributions they have made. A subject such as this could be debated for a considerable time simply by voicing thoughts on a subject which is of absorbing interest.

I have already checked the matter raised by Mr. Wise with regard to the ship *Trial* and, at the appropriate time when the House is in Committee, I shall move an amendment to change the word to *Tryal* in order that we may be on the safe side.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Functions of Museum—

The Hon. R. F. CLAUGHTON: I was disappointed the Minister did not give the assurance I asked for with regard to funds being made available to enable the premises which are proposed for the Museum to be built. It is not possible for the Museum to perform its functions adequately in its present location. This situation will continue until the position is rectified. Part of the original building was demolished last year in expectation of funds being made available.

The Art Gallery is also concerned, because part of its premises has also been practically taken over by the Museum. The professional people involved are concerned to see that definite progress is made with regard to the new buildings which are proposed.

The Hon. G. C. MacKINNON: I can only give the assurance that has been made public. As I understand the situation, the Museum branch at Fremantle will become the maritime and folk museum and the current Museum will be the natural history section. This information was given to me the other day when I visited the Museum. However, I thought I understood that some building would be commenced at least this year. All I can advise is that I think some plans in connection with the building have been made public.

The situation will be relieved to an extent with the establishment of the Fremantle Museum and, of course, it will be greatly relieved when the envisaged plans are instituted.

I think Mr. Cloughton is a little unfair to suggest that the Museum cannot perform its work properly at the moment, because I have seen a great deal of the work that has been undertaken. Of course, everyone might not be entirely satisfied; but I understand it is almost standard procedure in every museum to have many of the collections stored away.

It is a question of development and the legislation will be, I hope, ahead of the general development at the present time.

The Hon. R. F. CLAUGHTON: I had some information supplied to me on the development of overseas museums. Many of the ideas which are embodied in this Bill arose from the trip which Dr. Ride took around the world, and also from the activities of Icom. Various recommendations of that organisation are incorporated in this legislation.

Apparently the practice overseas appears to be to incorporate the activities of a museum, an art gallery, and other similar cultural places. In effect, Australia is adopting a situation which is different from the general practice overseas in that we have separated the Art Gallery from the Museum. However, I will not pursue that line at the moment.

I wish to make a few remarks on sub-clause (d). The reports of the Museum, which I mentioned earlier, referred to the urgent need to set aside or preserve sacred sites for Aborigines. It suggested that the Reserves Advisory Committee was perhaps the only existing authority which could properly undertake this duty.

The Minister mentioned that it is difficult to discover where these sites are. On the other hand, a good deal of work has been done by people like the Berndts and Dr. Norton who last year made a journey through the north and were closely associated with Aborigines in the north.

A fair amount is known of their customs, and where the sacred sites are known I think probably more could be done to preserve them than has been done up to date. It has been suggested that a separate trust be established to deal with Aboriginal sacred sites and reserves. This, too, is a line the Government could pursue if it desired to do so. The Aborigines in our State are in an under-privileged position and to improve their sense of dignity and pride in themselves, the preservation of their sacred sites and a recording and study of their history and background would be of significance; it would help them to make a place for themselves in our society. One of the difficulties is that the Aboriginal feels he does not belong. If more attention were paid to these points he would feel he had a place in the sun in his own land.

The Hon. G. C. MacKINNON: Here again we touch on a matter upon which there would be a conflict of opinion. It is very easy to take the side of the under-privileged and say we should examine and set aside sacred sites, as is done in this instance. If one has no responsibility in the matter, one could find oneself setting aside vast areas of country. But it is not that easy. These places need careful investigation and reinvestigation in order to determine with exactitude just how important they are.

I think the action taken by the Minister for Mines in regard to the Weebo affair, in a case where a man had acted with legal propriety, was one for which he should have received a great deal of praise. In that instance it was subsequently found there was some religious significance attached to the area; but, instead of receiving praise, the Minister for Mines was subjected to a spate of vituperation. How-

ever, be that as it may, the area has been set aside after careful analysis, which is necessary in these cases.

The other matters to which Mr. Claughton referred could be argued for some considerable time. I come in contact with Aborigines mainly in the field of health and not long ago I was talking with the leader of a tribe who obviously had a tremendous regard for the history of his tribe and the laws which governed it. He was perturbed by the complete lack of interest by many of the younger men, and I think this is a very great pity. However, this, too, is a subject which could be discussed at great length and it really has nothing much to do with the Bill except that much of the information would have to be collected, and the machinery is here for that collection if we can find the methods, the means, and the money to carry it out.

Clause put and passed.

Clauses 10 to 18 put and passed.

Clause 19: Delegation by Trustees—

The Hon. G. C. MacKINNON: I move an amendment—

Page 8, line 1—Insert after the word "may" the passage ", with the consent in writing of the Minister".

It is the intention that branch museums should be administered by a committee of the trustees of the Western Australian Museum, and each committee will be representative of the trustees and of local interest. However, a doubt was raised in another place as to whether the legislation as it now stands gives the trustees the power to delegate their policy-making powers to such a committee. We had some difficulty in this regard with another Bill recently.

As a result of subsequent consultations with the Director of the Museum and the Fremantle City Clerk, it is considered the matter should be placed beyond doubt. It will be found on examination that the amendment will allow the trustees, in the case of branch museums, to delegate their policy-making powers in respect of those branch museums to a committee appointed by the trustees and approved by the Minister but whose membership will not necessarily be confined to the trustees or the members of the museum staff.

The Hon. R. F. CLAUGHTON: I have examined the clause and I agree the amendment will remove any doubt about persons who are not trustees or officers of the Museum being on committees, particularly where branch museums or municipal museums are involved. I support the amendment.

Amendment put and passed.

The Hon. G. C. MacKINNON: I move an amendment—

Page 8, lines 7 and 8—Delete the words "Trustee or committee of Trustees or to any officer or officers of the Museum" and substitute the words "person or committee of persons".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 20 to 51 put and passed.

Schedule—

The Hon. F. J. S. WISE: The Minister has intimated that he agrees with the suggestion I made that it might be better to delete the word "Trial" and insert the words "known as the Tryal." I move an amendment—

Page 24, line 22—Delete the word "Trial" and substitute the words "Known as the Tryal".

The Hon. G. C. MacKINNON: After Mr. Wise mentioned this I took the opportunity in collaboration with and assisted by the officers of this Chamber to seek some information; and the information was to the effect that the suggestion made was probably right and safer. I am happy to agree to the amendment.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

MANJIMUP CANNED FRUITS AND VEGETABLES INDUSTRY AGREEMENT BILL

Receipt and First Reading

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

SWAN RIVER

Reclamation at Preston Point: Assembly's Resolution

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

That this House do resolve to approve, pursuant to subsection (1) of section twenty-two A of the Swan River Conservation Act, 1958-1966, the reclamation of an area of about 5.5 acres of the Swan River near Preston Point which area is shown in the plan deposited in the Public Works Department and marked P.W.D.W.A. 40970—DRG. No. 2 and therein coloured red, and as so shown in the copy of that plan laid on the Table of the House; and that the Legislative Council be requested to so resolve.

DISTRICT COURT OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from the 16th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [9.34 p.m.]: Without question, this is an important Bill. It has been studied and commented on by members of the legal profession, and leader writers of the Press. It would be idle for me to endeavour to trace within the Bill the clauses that are applicable to the new situation. I merely wish to say that I believe that for a long time there has been a need, in the words of the Minister, for "an intermediate system of courts." In accordance with the title of the Bill they will be known as district courts and they will represent a system which will provide the people in the country with a facility they have not enjoyed before.

In administering this State, one of the great problems is to grant the right of opportunity to the whole of the community to the facilities that are offered. I feel there is a tendency to present greater opportunities to the people residing in the more populous areas than to those residing in sparsely populated areas. So if there is legislation before us which seeks to bring the facility of justice closer to those residing in the country there is nothing in it which we can cavil at, although, in saying this, I am not casting any reflection on the way justice was administered previously.

The provisions in the Bill will mean a cheaper and more expeditious system of justice for country people. Many members of this Council are associates of country people. Indeed, I was reared in a country atmosphere. Therefore, I consider the Bill is well warranted. My statement is supported by the fact that when it was introduced in another place it gained support from a member who is also a member of the legal profession. He was most emphatic in what he had to say about it. He said, "This occasion gives me a great deal of pleasure." He went on to say that he was speaking on behalf of the Opposition of the State. Consistently throughout his speech he continued to support this measure.

Therefore, as I said initially, it would be idle of me to prolong the debate in view of the fact that complete accord with the Bill has been emphasised by a member in another place on behalf of the Opposition. The Bill is now presented to this House for confirmation. I feel I should perhaps mention the publication of the term "mystery" concerning the Bill. I do not know what we can do in such circumstances because the conduct of the law within the State is a very close preserve. We cannot hold open forums to discuss the pros and cons of what happens from day to day in this situation as we do in regard to the Companies Act or the Local Government Act.

The Hon. A. F. Griffith: Where is the reference to the mystery about the Bill?

The Hon. W. F. WILLESEE: The following is an extract from an article published in *The West Australian*:—

There is a good deal of mystery about the ancestry of the Bill. Presumably, the proposal had its origin in the report of administration of justice in the North made last year by the former Chief Justice, Sir Albert Wolff.

The Hon. A. F. Griffith: Yes, I recall that now; thank you for reminding me.

The Hon. W. F. WILLESEE: I will not continue to quote from the article. I do not know what one does in such a situation. Necessarily, there is some seclusion when we move into the sphere of law, and among those who administer it. I suppose it would not be very pleasant to analyse, in a public forum, every move of what happens in regard to the law. However, in my opinion, if the Bill makes it easier for people in the country to obtain justice at a cost less than it was obtained previously, the Bill deserves every support. I base my support of it on the fact that a practising member of the legal profession, who is also a member of Parliament, believes that this is an enlightening piece of legislation, and I think the only thing to do is to support the Bill and await its practical application.

THE HON. I. G. MEDCALF (Metropolitan) [9.42 p.m.]: I propose to speak briefly on the Bill. I had the opportunity to consider some of the proposals in the measure before it was introduced to this House. Reference to that is made in the Minister's speech when he said that the introduction of the Bill was delayed because of his desire to seek the view of the legal profession on the machinery of the court.

I happen to be one of those who were on the committee that was appointed by the Law Society to consider certain aspects of the measure that had been referred to the legal profession. I am very happy to say that the consideration which the committee gave to the particular aspects the Minister referred to it was quite detailed and some of the submissions it made were accepted by the Government and appear in the Bill. I think they represent an improvement and constitute an advance along the lines mentioned by Mr. Willesee. In view of that it is entirely unnecessary to burden the House with a detailed explanation of those points which were mainly of a technical nature.

This evening I wish to make only a few general remarks. I believe it is important to relieve the Supreme Court of the burden of work it has had over the last few years. I was tremendously impressed with the figures that were quoted by the Minister during his second reading speech and which were supplied from official sources. He said that from 1960 to 1968, the number of divorce writs had

increased from 570 to 1,006, and the number of other writs from 890 to 1,773. He also said that the number of adoption applications had increased from 315 in 1960 to 619 in 1968. From those figures members can see that within a period of eight years the work had just about doubled, and this applies not only to the Supreme Court but also to the Courts of Petty Sessions and the Local Courts. They have been bearing the burden of this tremendous increase in legal activity.

This increase is really a reflection of the expansion that has occurred within the State during that time. This has been most apparent in the legal profession and there has been a great deal of pressure on all practitioners. In turn, the pressure has also been placed on the Supreme Court which is at the top of the pyramid of justice. The court has been seriously overworked for a number of years. This suddenly became apparent when the former Chief Justice (Sir Albert Wolff) suffered a very severe and sudden breakdown in health just prior to Christmas.

Fortunately he recovered and was able to participate in his official retirement in March. In addition there were the sudden and tragic deaths of two judges while they were in office. I refer to the death of Mr. Justice D'Arcy and Mr. Justice Negus. Their passing was a severe blow to the legal profession and, particularly, to the Supreme Court.

Of course their passing has resulted in the appointment of younger men to these offices, and when an opportunity occurs—no matter in what circumstances—to appoint younger men it is probably for the ultimate good. Nevertheless, the whole situation is indicative of the fact that the Supreme Court has been seriously overworked. Of course, that situation will continue if we do nothing about it; in fact it will become worse. On the Supreme Court there is still the same number of judges, even though today some of them are younger, but we should not do to them what has been done to their predecessors. For that reason the Bill which will create a middle tier of justice for the benefit of the community is commendable, and I endorse the views which have been expressed by Mr. Willesee.

I believe this is a sound move and indicates the growing maturity and sophistication of our legal structure in Western Australia, and I consider the reasons for the new court which the Minister put forward in his second reading speech to be very excellent ones. He said that the district court will encourage decentralisation; that the State will be able to take advantage of the Commonwealth proposals to legislate to enable undefended divorce cases to be heard in district court; that it will relieve the mounting pressure on the Supreme Court; and finally, that it will provide a flexible framework to

allow for growth and development in future. These are reasons which must commend themselves to us all.

The only question, and it is a practical one, which the Minister will have to face is from where will he get the judges to man the district court? This is quite a problem, and no doubt it is one for the Minister and his department to solve. It is a problem of which every practising lawyer is aware. There is a great shortage of experienced legal practitioners in the community, and this has been adverted to in this House on other occasions.

The Hon. W. F. Willesee: Don't you think this is the day of youth? Where we looked for a judge who was 65 years of age, today we look for one who is 45 years of age.

The Hon. I. G. MEDCALF: This is the day of youth. No doubt the Minister will be looking for younger men, and that is where he will have to exercise judgment. It would be presumptuous of me to make any further comment on this aspect. All I wish to say is that there is a problem, and no doubt the Minister will move slowly.

I am not sure whether the Bill prescribes the number of judges, but it is my impression that the Minister mentioned three will be appointed. It is fairly flexible.

The Hon. A. F. Griffith: I have indicated that it is intended three judges would be appointed in the first place.

The Hon. I. G. MEDCALF: This is a problem which will have to be solved. If I might make one further observation, it is desirable that anyone who is selected for appointment as a judge should appreciate that this is a long-term appointment, and that judges do not flit in and out of office. If someone accepts the high office of a judge or an equivalent office he should realise that it is not a position which he can leave to accept a more attractive one. This is evident to those of us who are older. In these days there is a great tendency for people to flit from job to job, and it will be unfortunate if this tendency spreads to the judiciary. I am of the opinion that people who accept appointments to high offices should be prepared to make the decision that they will devote their time, their talents, and their years to those offices, and that they should stay in those offices.

The Hon. W. F. Willesee: Perhaps it would be advisable for you to get that over to the electors!

The Hon. I. G. MEDCALF: Indeed, it would. The salary which has been offered to judges of the district court is \$13,500 per annum, and to the chairman \$14,500 per annum. I was rather interested to learn that this is just about two-thirds of what has been demanded by the Qantas pilots, and about one-half of what is demanded by Qantas captains in their present

negotiations. Perhaps this matter is irrelevant, but it is an indication of the times in which we live. I do not quite know how apposite my remarks are, but salaries are one of the factors we have to bear in mind. We have to be ever watchful of the position of the Public Service and the judiciary to make sure that the salaries paid are sufficient to ensure that they will attract the highest quality people to fill the positions, and will offer sufficient inducement for them to remain.

THE HON. N. E. BAXTER (Central) [9.52 p.m.]: My remarks will be very brief, and I rise to make them mainly because of criticisms that have been levelled against the Bill in the newspapers. The criticisms appear to have been raised because the cost of the judges to the State is \$41,500 per annum, and it was contended that this expenditure was not justified.

When we look at the overall picture of the courts in Western Australia, and compare the revenue which is derived by those courts with the expenditure of \$41,500 per annum, and the cost of running the courts, I think the State is on the credit side. I have not compiled the figures, but that is my opinion after having made a cursory examination of the revenue that is derived from the activities of the courts.

In Western Australia there are about 10 courts, or bodies which can be classified as courts. They are the Supreme Court, the Third Party Claims Tribunal, the Courts of Petty Sessions, the magistrates courts, the Coroner's Court, the Police Courts, the Children's Court, the Summary Relief Courts, the Local Courts, and the Licensing Court. I believe that in the overall these courts finish up on the credit side.

I have been told about some criticisms which arose in the legal profession that the Law Society did not fully agree with this legislation. I would not know how far the Law Society agrees with it, but Mr. Medcalf has informed us that he was a member of the group which considered the measure before it was introduced. I think we should be satisfied with his statement.

The Bill will be of great benefit to the country people, because at the present time it is very difficult on occasions for country people to get their cases before the courts. As there is a system of circuit courts which go around the various districts once every three months, on occasions cases are held up pending the arrival of those courts. The Bill will enable action to be taken much quicker in dealing with cases in the country. On that basis I support the measure.

THE HON. G. W. BERRY (Lower North) [9.55 p.m.]: I rise to support the Bill. The point I have in mind, and this has been mentioned, is that the Bill will bring less costly justice to the people in the

country. That might be correct in cases where the members of the legal profession have easy access to the centres where the courts are sitting.

I draw attention to this aspect: In some remote areas it is a costly proposition to obtain legal representation. In certain cases the proceedings are such that provision is made to deal with the case within a certain time, but because the proceedings cannot be completed in that time the legal practitioners have to remain longer than was anticipated, and this becomes costly to the litigants. This is the aspect I wish to bring to the notice of the Minister, so that it will be taken into consideration when courts are established in remote centres of this State.

THE HON. V. J. FERRY (South-West) [9.56 p.m.]: Very briefly I rise to support this Bill, because I wish to have my support of it recorded. The Bill is well founded and will render a great service and confer a degree of comfort to the people of this State. As one who represents a country electorate and who has been associated with country people for a considerable period, I feel this is one avenue of justice which those people well deserve.

Mr. Berry has referred to the cost of bringing justice to country areas. I believe this aspect will be considered in all seriousness and will be understood when the system is gradually implemented in the country districts. By and large I believe the step proposed in the Bill is one in the right direction, because it will reduce the costs of legal action involving, in particular, people in country areas.

Apart from the direct legal costs involved in a case, there are many indirect costs such as travelling, accommodation, and loss of wages. They all have to be met from the private purse. With those few remarks I have much pleasure in supporting what I believe to be a verdy good and a very well-founded Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.58 p.m.]: I wish to refer to clause 28 dealing with the appointment of bailiffs. I agree with the remarks that have been made in this debate that the Bill will bring about a reduction in legal costs to litigants who are involved in court cases. I am wondering whether the Minister can advise whether any consideration has been given to the costs of appointing bailiffs under this Bill, as compared with the costs of appointing bailiffs in the other jurisdictions.

This question arose in the Fremantle district two or three years ago. At the time the system adopted by the bailiff in that district was to exercise a little discretion when the people concerned did not have the money to satisfy the judgments made by courts and were liable to have their goods seized. By using a little

common sense the bailiff, on calling at the home of a person against whom a judgment had been made, could arrange with the person to make the necessary payment without having to call back several times and so increase the costs to the litigants.

However, under the new rules which are applicable in the Fremantle area, the bailiff is now forced to observe them in their entirety, without being given any discretion. As a result of this move the bailiff now has to comply with the directions given by the clerks of courts. Sometimes several calls have to be made by the bailiff on a person who owes a small amount of money; these visits will increase the cost greatly.

While the Bill before us will reduce the costs to litigants, in respect of the services performed by the bailiff, the costs for the serving of judgments and documents have been increased substantially. I thought the Minister, in his wisdom, might like to reply. However, I will not be offended if he does not comment on my remarks.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [10 p.m.]: I appreciate very much the reception this Bill has received, both in this House and in another place. I think it would be proper for me to say that the Bill did not receive the unanimous support of the legal profession but, as I related in my second reading speech, it received very considerable support. The support was sufficient for me to arrive at a conclusion that I should present the Bill for consideration by Parliament.

It will be appreciated that the measure comes into operation upon proclamation. I was not anxious to lose any time in presenting the Bill to Parliament, or to lose any further time, because quite a deal has yet to be done following its passage through Parliament. Mr. Medcalf is quite right in saying that one of the principal requirements will be to appoint the judges. However, I find myself in the position where I cannot wait in the hope that the proper judges will come along, because I would not arrive at the point of presenting this Bill to Parliament. However, I think there will be fit and proper men to accept these positions.

The Hon. F. R. H. Lavery: So do I.

The Hon. A. F. GRIFFITH: Furthermore, it will be appreciated there is a good deal of machinery work to be done. Accommodation has to be found and staff provided for the setting up of the courts throughout the State.

I do not propose to spend much more time in discussing the Bill which has received general support. I have not done any research on the point raised by Mr. Lavery in connection with costs. I know the situation to which the honourable member referred and I can say that a

little more liaison between both parties concerned could have avoided the difficulty which occurred in that instance.

The Hon. F. R. H. Lavery: I could not agree more.

The Hon. A. F. GRIFFITH: I am hesitant to take up the time of the House in commenting on the attitude of the Press to this legislation. However, I feel compelled to say something. I would like you to know, Sir, it occurs to me that every time a Minister is not prepared to show the Press something, that document is referred to as containing information which is secret.

The Hon. F. J. S. Wise: Suspect.

The Hon. A. F. GRIFFITH: Yes, suspect. All this is utter and complete nonsense. It so happened that the then Chief Justice (Sir Albert Wolff) intended to make a trip through the north-west, which was the sort of thing the Chief Justice should do. He conferred with me and I asked him whether, while travelling through the north, he would be good enough to survey the situation and look at the court facilities which were available—bearing in mind the very rapid growth of the north. I requested that on his return the Chief Justice give me some of his impressions.

This was referred to by the Press as a report and when I explained that it was not a report—in fact, that the basis of Sir Albert's inquiry was transmitted to me in letter form—the Press then went to great trouble to say in an article—a copy of which I have with me—that the public must wonder what there is in the Wolff report which Justice Minister Griffith wants to keep secret.

Really, this is just so ridiculous. Whilst I do not expect the Press to give me a lot of publicity on this point, I would hope that the young man in the gallery would, perhaps, tell his editor what I had to say this evening.

Do you know, Sir, as recently as not more than a week or so ago, I was once again asked for this report. I told the Press reporter that there was no such report in documented form, that I had a communication in the form of a letter confirming Sir Albert's trip through the north and expressing his ideas. I said that there was no report. But despite what I said, the very next day, or the day after, the following appeared in the paper:—

There is a good deal of mystery about the ancestry of the Bill. Presumably, the proposal had its origin in the report on administration of justice in the North made last year by the former Chief Justice, Sir Albert Wolff.

It is no wonder one gets a little exasperated about this sort of thing. There was nothing secret whatsoever about Sir Albert's visit. He went to the north and

came back. While in the north he contacted many people, but, for some reason which I am unable to understand, the Press seems to think I have a secret document which I am holding somewhere, and I do not want the Press to look at it.

I repeat: whenever we are not prepared to show something to the Press it is referred to as being secret and must be suspect. The Press therefore prints derogatory leading articles.

The Hon. W. F. Willesee: I must say that at times it is pretty hard to get information from you.

The Hon. A. F. GRIFFITH: It depends on what sort of information one is looking for. I just felt compelled to make reference to this matter because it seems to me that this is the line which the paper likes to take.

I would make one final comment on the question of Sir Albert's visit. His visit was to the north only, but this Bill will cover the whole of the State. We have been working on this measure—as the files in front of me would indicate—for some considerable time. We have reached the point where we are able to present it to Parliament. I might say that this is not the first draft of the Bill; this is not the first attempt. One does not make up one's mind in a hurry about a matter such as this. It requires careful and close consideration.

I repeat: I mention this point because it does become a little irksome to be accused, all the time, of this so-called secrecy as soon as one is not prepared to tell everyone what one is doing.

The Hon. F. R. H. Lavery: The Press comment was rather a slur on the Crown Law officers.

The Hon. A. F. GRIFFITH: It is not a slur, and it is not really important to me. I do not think it was intended as a slur. The fact is Mr. Willesee quoted from the leading article and I have taken advantage of the opportunity to explain the circumstances. I am very pleased with the general reception this Bill has received. I want to tell Mr. Medcalf that the progress will be slow rather than hasty with respect to the actions which will follow the passage of the Bill. We want to be sure of getting the best people offering to accept the positions.

The Hon. W. F. Willesee: If you are really short I would not mind filling a vacancy.

The Hon. A. F. GRIFFITH: I think one of the important points is that the law court will go to the litigant rather than the litigant having to go to the court. On another point raised, once the legal fraternity knows these facilities are available in various centres throughout the country, then we hope young solicitors will be attracted to practise in the country. I think that lawyers are now practising in

Port Hedland, and this had never been the case previously. I do not know how many are there, but I think at least two. Also, I believe a young woman is practising law in Kununurra.

As the State grows then, of course, the north will receive some particular benefit out of legislation of this nature. Another point I would like to make is that the circuit courts will still continue to operate. This point was raised by the member for Kalgoorlie in another place who asked the Minister for Industrial Development to get me to advise him on this point. As I have said, circuit court operations will not be altered; they will continue. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.22 p.m.

Legislative Assembly

Wednesday, the 22nd October, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (28): ON NOTICE

1. RAILWAYS

Wages and Salaries Staff

Mr. BURKE asked the Minister for Railways:

- (1) What was the total number of wages staff employed by the W.A.G.R. at the 30th September, 1949?
- (2) What was the total number of salaried men employed by the W.A.G.R. receiving Australasian Transport Officers' Federation salaries at the 30th September, 1949?
- (3) What was the total number of wages staff employed in the W.A.G.R. on the 30th September, 1969?
- (4) What was the total number of salaried men employed by the W.A.G.R. receiving A.T.O.F. salaries at the 30th September, 1969?

Mr. O'CONNOR replied:

- (1) 9,510—for pay period ended 24/9/49.

- (2) 37—as at 30/9/49.
- (3) 8,971—for pay period ended 27/9/69.
- (4) 49—as at 30/9/69.

2.

HEALTH *Cyclamate*

Mr. CASH asked the Minister representing the Minister for Health:

- (1) Replying in general terms, what beverages, foods and drinks containing the artificial sweetener cyclamate are manufactured or distributed in Western Australia?
- (2) In view of the suspension of the manufacture and distribution of many such products in the United States, what information can he give regarding investigations by the National Health and Medical Research Council into the use of cyclamate for artificial sweetening purposes?
- (3) How do the results of such investigations affect the future use of cyclamate in this State?

Mr. ROSS HUTCHINSON replied:

- (1) Low calorie dietetic foods and beverages and foods sold as suitable for diabetes sufferers and which are labelled as containing cyclamate.
- (2) The matter has been reviewed from time to time by the National Health and Medical Research Council and recent information from the U.S.A. will be examined at State and Commonwealth level and by the National Health and Medical Research Council.
- (3) This is not at present clear, but it is expected that action in this State will be in conformity with that in the rest of Australia.

3.

HIGH ROAD *Realignment*

Mr. FLETCHER asked the Minister for Works:

- (1) Is High Road to be aligned to join High Street at that intersection with Carrington Street, Fremantle area?
- (2) If "Yes", is any private or public property subject to resumption?
- (3) If so, to what extent?
- (4) If realignment is contemplated will this take place between the northern fence of the Fremantle Cemetery and the Wool Exchange storage buildings?
- (5) If so, when is construction likely to begin?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) Yes.