The Hon. G. C. MacKINNON: I agree; but we are just making allowance for such an eventuality. Further, there is always a possibility of a processor suffering genuine hardship whereby it may be considered wise to do something for him.

I reiterate my thanks to members for their acceptance of the measure and for the good wishes they have expressed to me in carrying out the duties of this portfolio. I repeat, as my predecessor said when I succeeded him, no man could start in a complete vacuum to carry out a job such as this. One carries on along the lines that have already been developed.

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. G. C. MacKinnon (Minister for Fisheries and Fauna), and transmitted to the Assembly.

House adjourned at 10.35 p.m.

Legislative Assembly

Wednesday, the 3rd November, 1965

CONTENTS

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

QUESTIONS (13): ON NOTICE

ROYAL PERTH HOSPITAL: BED RATE ASSESSMENT

Procedure

1. Mr. EVANS asked the Minister representing the Minister for Health:

   (1) Upon admission of a patient to Royal Perth Hospital, who is responsible for making a financial assessment of his case for the purpose of determining the bed rate for the particular patient?

(2) For how long has this practice been in vogue?

Adoption of Practice in Other Hospitals

(3) At what other hospitals is the practice followed?

Effects

(4) Does he realise that under the financial assessment scheme adopted at R.P.H. a person was recently charged at the rate of £5 15s. per day for hospitalisation in a six-bed ward?

(5) Does he not agree that the assessment scheme can result in inequitable charges being made?

Authority to Determine

(6) What authority has R.P.H. or any other hospital administration to thus determine a bed rate for a particular patient which can be unrelated to the type of ward occupied (apart from workers' compensation and motor vehicle insurance cases)?

Mr. ROSS HUTCHINSON replied:

(1) Assessors employed by the board of management of the hospital.

(2) Since 1952.

(3) Fremantle, Princess Margaret, Sir Charles Gairdner, and King Edward Memorial hospitals.

(4) This is quite possible.

(5) No—the reason for assessment is to arrive at an equitable charge.

(6) The Hospitals Act, 1927.

ELECTORAL DISTRICTS ENROLMENTS

Age Groups

2. Mr. EVANS asked the Minister representing the Minister for Justice:

What percentage of all electoral district enrolments are aged—

(a) 35 years or younger;

(b) 60 years or older?

Mr. COURT replied:

These records are not kept by the Electoral Department and the only way in which the answers could be ascertained would be a comprehensive search of all claim cards filed by electors.

Even this search would not disclose the number of electors aged 60 years or older, as claim cards lodged prior to the 27th May, 1949, did not contain the date of birth. The Acting Deputy Commonwealth Statistician has supplied the following information in regard to the percentage of recorded population in the age groups 21-35 years inclusive and 60 years and over at the census of the 30th June, 1961:—

Age last Birthday (years)	Persons per cent.
21-35	19.30
60 and over	11.21

NOLLAMARA POLICE STATION

Staff Increase

3. Mr. GRAHAM asked the Minister for Police:

(1) In view of the large and rapidly growing population in the area served by the Nollamara Police Station, has he yet found it possible to increase the strength of the station?

(2) If not, when does he anticipate this will be possible?

Mr. CRAIG replied:

(1) Nollamara Police Station was opened on the 4th May, 1964 with a staff of one sergeant and one constable. On the 17th February, 1965 the strength was increased by an additional constable.

A new police station will be opened at Morley Park adjoining Nollamara, within the next two or three weeks, with a staff of two, and it is anticipated this will reduce some of the work of Nollamara.

(2) At this juncture it is not believed necessary; however, the position will be kept under review from time to time.

LAND TAX: COMMON TITLES

Responsibility for Payment by Joint Holders

4. Mr FLETCHER asked the Premier:

(1) Am I correctly informed that the Land Tax Assessment Act provides that any one of two or more persons as owners whether jointly or severally or otherwise shall each be liable for the whole of such area of land?

(2) Can he inform the House what redress, if any, exists to a person who has paid his portion of tax as assessed and is then subsequently threatened with legal proceedings within 14 days if he does not pay his various neighbours' portions, or presumably see that they do?

(3) Is it the responsibility of the citizen who has paid his portion of tax to ascertain necessary particulars, and further to act as a

debt collector on behalf of the Taxation Department under difficulties including—

(a) inability to speak the language of at least one neighbour, and

(b) is unaware of the name of a recently arrived neighbour, and

(c) the whereabouts of the previous occupant of the property adjoining on this area of Common Title?

Individual Assessments

(4) Is it the responsibility of the Taxation Department to have an officer indulge in the necessary research to make separate assessments to be forwarded to each?

Strata Titles: Introduction of Legislation

(5) If the situation is as above, is any legislation pending to relieve the situation on a basis similar to that applying to strata titles in Victoria and New South Wales?

(6) If so, when is this legislation likely to be introduced?

Effect on Property at No. 67, Hampton Road, Fremantle

(7) In the meantime, what does the present threatened property owner at 67 Hampton Road, Fremantle, do to avoid prosecution as threatened in correspondence of the 20th October, 1965, L.S.211566?

Mr. BRAND replied:

(1) Yes.

(2) If such a person cannot arrange by mutual agreement for his co-owners to pay their shares of the Land Tax and explains the situation to the Taxation Department the department will endeavour to collect from the other owners.

(3) See answer to (2).

(4) In the circumstances of cases such as this the Taxation Department considers that separate assessments against each part owner are not authorised by the law.

(5) No.

(6) Answered by (5).

(7) Subsequent to the issue of the department's letter of the 20th October, 1965, the "present threatened property owner" has fully explained the situation to the Taxation Department which is now proceeding with the necessary action to secure payment from the other co-owners.

MATERNITY HOSPITALS

Hillcrest: Closure and Alternative Facilities

5. Mr. FLETCHER asked the Minister representing the Minister for Health:

(1) Has he been made aware—

(a) of Fremantle area doctors' alarm associated with the imminent closure of Hillcrest Maternity Hospital to other than unmarried mothers;

(b) that the alternative Woodside Maternity Hospital is overtaxed to the extent that expectant mothers cannot obtain a reservation after 3½ months' pregnancy?

Woodside: Inadequacy of Facilities

(2) Am I correctly informed:

(a) that this hospital has neither an operating theatre nor preparation room;

(b) that on this account at least one caesarian case had to be unexpectedly referred to K.E.M.H. (patient's name and address available);

(c) that need for such surgery could arise during or just prior to delivery at Woodside;

(d) that a private hospital for general patients would not be licensed if found lacking the mentioned facilities relating to surgery?

Devonleigh: Remoteness from Fremantle-Melville Area

(3) Is he further aware that Devonleigh Maternity Hospital, Swanbourne area, is considered too remote from doctors, patients, and relatives of the 48,141 constituents living within the State electorates of Fremantle, Cockburn, Melville, and East Melville?

Hillcrest: Government Financial Assistance

(4) Am I further correctly informed—

(a) that the preponderance of maternity cases living in the more privileged localities adjacent to Devonleigh seek more fashionable accommodation at St. John's, St. Anne's, or other private hospitals and in doing so leave empty beds at Devonleigh;

(b) that the decision to close Hillcrest as a maternity hospital and to use existing and additional accommodation as "C"-class accommodation for geriatric patients was made by Victorian Salvation Army administration on economic grounds;

(c) that Victorian Salvation Army and other establishments receive Government stores at concession rates?

(5) If the answer to (4) (c) is in the affirmative, will he recommend to Cabinet the need for like and other assistance to similar institutions in this State?

(6) Since the Government pays the interest on accommodation extension loans to other private hospitals, will he further recommend to the Government that assistance by way of subsidy and/or other financial inducement be paid to Hillcrest to remain open to cater for Fremantle area confinements?

Mr. ROSS HUTCHINSON replied:

(1) (a) I am not aware of any alarm but my department advised that doctors have expressed concern on the subject matter.

(b) Yes.

(2) (a) No. There are a minor theatre and surgical facilities available. Caesarian sections are being performed.

(b) Yes.

(c) Yes, but (a) covers this contingency.

(d) Not applicable.

(3) No. Patients go to other hospitals in the metropolitan area more remote than Devonleigh, and this applies to other suburbs.

(4) (a) This is a matter of choice by the patient and doctor.

(b) As previously stated, the hospital is not being closed to maternity cases. The decision by the Salvation Army to close part of the hospital to private maternity cases was mainly related to the need to cater for unmarried mothers and the aged sick.

(c) No information on the Victorian situation to which the honourable member refers is available to my department.

(5) The Government already assists various charitable and social welfare bodies in this direction. Any application is considered on the merits of the particular case.

(6) This is not relevant as the decision in this matter was made by the Salvation Army who were good enough to advise the department, which is now planning ward extensions to Woodside Hospital, to include a modern operating theatre, preparation room, etc., for which tenders are expected to be called in the latter half of this financial year.

COAL RESEARCH IN WESTERN AUSTRALIA: COMMONWEALTH GRANT

Allocation

6. Mr. HAWKE asked the Premier:

(1) Has a monetary grant been made by the Federal Government for coal research in this State?

(2) If so, what is the amount?

Collie: Expenditure on Coke Research

(3) Will any of such money be spent at Collie for research on coke from Collie coal?

(4) If so, how much?

Mr. BRAND replied:

(1) Yes, through the National Coal Research Committee for the purposes of research into the reduction of metallic oxides by Collie coal or char.

(2) £5,000.

(3) Preliminary work will be laboratory-scale work at the Mines Department's laboratories.

(4) Answered by (3).

GOVERNMENT DEPARTMENTS IN VAPECH BUILDING

Number, Rentals, and Lease Conditions

7. Mr. JAMIESON asked the Premier:

(1) What Government Departments, etc., are now housed in Vapech Building, in Murray Street west?

(2) What rental and lease conditions apply to each respective tenancy?

Transfer to Government Buildings

(3) When is it proposed that these Government occupants will be transferred to Government buildings?

Mr. BRAND replied:

(1) Government departments housed in Vapech House in Murray Street west—

(a) Department of Labour—

(i) Industrial Commission.

(ii) Weights and Measures Branch.

(b) Department of Native Welfare.

(c) Crown Law Department—Probation and Parole Office.

(d) Workers' Compensation Board.

(2) (a) Rental (including all charges):

	£
(i) Department of Labour	22,758
(ii) Department of Native Welfare ..	7,360
(iii) Crown Law Department	7,335
(iv) Workers' Compensation Board	5,134
(v) Reserved for National Trust of Australia (W.A.) incorporated and others under negotiation	1,782
Total	£44,369

Basic rental, including air conditioning, is 26s. 6d. per square foot per annum.

(b) Terms of lease:

10 years with an option of further five or 10 years. The rent is to be reviewed on a five-yearly review basis from commencement of occupancy.

(3) There are no plans at present for the construction of Government buildings to accommodate these occupants.

TERTIARY EDUCATION: MARTIN REPORT

Government Inquiry

8. Mr. DAVIES asked the Premier:

(1) As the Government's policy speech, reported in *The West Australian* on the 3rd February, 1965, promised "An immediate top-level inquiry into the urgent future needs of higher education at university and sub-university level" immediately the Martin report on tertiary education had been released, and in view of the fact that such report was made public last March, will he advise—

(a) what action has been taken to institute the promised inquiry;

(b) what form the inquiry will take;

(c) who will be represented on the inquiry;

(d) what action has been taken to inform the Commonwealth Government of this State's requirements in connection with tertiary education?

Tabling

(2) Will he table a copy of the Martin report for the information of members?

Mr. BRAND replied:

(1) As answered in reply to a previous parliamentary question on this subject, the Government is about to set up this inquiry, the details of which will be released at the same time as the public statement is issued on this decision.

(2) The report is tabled herewith.

The report was tabled.

RAILWAY WAGONS: R.C.B. CLASS

Braking Power

9. Mr. DAVIES asked the Minister for Railways:

(1) Has any increase in the braking power of R.C.B.-class wagons been made to compensate for the increased carrying capacity of these wagons as recently announced?

(2) Is it intended that trains composed of wagons of this type are to be hauled at passenger speed?

(3) If so, what is the percentage of braking power to be provided on these trains compared with that available on passenger trains?

(4) In view of all the circumstances, is the braking power available considered to be sufficient to meet the requirements of safe railway working?

Mr. COURT replied:

(1) Yes.

(2) No.

(3) Answered by (2).

(4) Yes.

JURORS

Compensation for Personal Injury

10. Mr. HALL asked the Minister representing the Minister for Justice:

Is any provision made under the Juries Act for the payment of compensation to a juror who is empanelled for jury service and receives personal injury arising out of his service?

Mr. COURT replied:

No.

INDECENT ASSAULT ON FEMALES IN WESTERN AUSTRALIA

Maximum Penalties: Comparison with Eastern States and Legislation for Increase

11. Mr. HALL asked the Minister representing the Minister for Justice:

(1) What is the maximum penalty for indecent assault on a female in Western Australia?

(2) What are the comparable maximum penalties for indecent assault on females in other States of Australia?

(3) Has there been any alteration in the maximum penalty for indecent assault on females in Western Australia since the year 1960 to 1965?

(4) If the answer to (3) is "Yes," what were the increases or decreases as to maximum penalty and in what years were the alterations made effective?

(5) Is it the intention of the Government to bring down legislation to increase the maximum penalty for indecent assault on females in this State and, if so, when?

Mr. COURT replied:

(1) Imprisonment with hard labour for two years.

(2) New South Wales. Imprisonment for three years, or, if the female be under the age of 16 years, to penal servitude for five years.

Victoria. Imprisonment for three years, or, for a second offence, imprisonment for 10 years.

South Australia. Imprisonment for five years and the offender may be whipped, and, in the case of a second offence, imprisonment for seven years with or without a whipping.

Queensland. Imprisonment with hard labour for two years.

Tasmania. The Tasmanian Criminal Code, unlike the equivalent provisions in other States, does not provide particular punishment for particular crimes, but gives to the trial judge a discretion to impose any term of imprisonment up to 21 years, or a fine, or both, as he shall think fit in the circumstances of each particular case. Furthermore, it provides that if in the commission of a crime "serious personal violence" is inflicted on any person, the offender is also liable to a whipping.

(3) No.

(4) See answer to (3).

(5) Yes, shortly.

TOWN PLANNING AT ESPERANCE

Heenan Street Scheme: Completion

12. Mr. MOIR asked the Minister representing the Minister for Local Government:

Referring to his answer to question 31 on Thursday, the 28th October, 1965, as his reply to (1) implies that there have been some omissions on the part of the Esperance Shire Council, will he state what steps the council should have taken to bring this scheme to finality and which, according to his reply, they failed to carry out?

Mr. NALDER replied:

Final approval was given to this scheme in March, 1964. An amendment was approved in July, 1965.

However, the shire, in attempting to apply the scheme, found that in the practical application complications arose which required special surveys, and other procedural matters needed attention. The council is doing its best to finalise these matters.

13. *This question was postponed.*

QUESTION WITHOUT NOTICE

IRON ORE

Ports for Cleveland-Cliffs Co. and B.H.P.

Mr. BICKERTON asked the Minister for the North-West:

Is the Minister in a position to supply the House with any information concerning the decision of the Cleveland-Cliffs company to build its port at Port Preston? If not, when does he expect a decision to be made?

Also, can the Minister supply the House with any information concerning the decision by B.H.P. in connection with its proposed port?

Mr. COURT replied:

Discussions are currently taking place on this particular question; that is, the question of the Cleveland-Cliffs company and B.H.P. at Deepdale and Roper River respectively. It is hoped that some finality will be reached towards the end of this week, and a decision made within the following few days.

STATE FORESTS

Revocation of Dedication: Motion

MR. BOVELL (Vasse—Minister for Forests) [4.42 p.m.]: I move—

That the proposal for the partial revocation of State Forests Nos. 14, 27, 33, 37, 42, 52, and 58 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 2nd November, 1965, be carried out.

The Forests Act provides that State forests shall be revoked only with the approval of Parliament. Each year it is necessary

to consider excisions from State forests and a motion is brought down each session for the purpose of carrying out those excisions. They have been submitted by the Conservator of Forests after very careful consideration. For the information of the House I would like to enumerate the items in the motion. They are as follows:—

Area No. 1:

On the northern boundary of the Dwellingup townsite. Approximately 14 acres of sandy flat carrying no millable timber or regrowth for a land exchange with an adjoining landholder. The exchange will bring into State forest an area of jarrah and marri regrowth to provide a better State forest boundary and also benefit the landholder.

Area No. 2:

On the boundary of the Dwellingup townsite. Approximately one acre required for access-way for owners of town lots.

Area No. 3:

About nine miles west from Donnybrook townsite. Approximately 275 acres of good agricultural land, carrying no marketable timber and which has been applied for by an adjoining landholder.

Area No. 4:

About six miles north-west from Jarrahwood townsite. Approximately 10 acres. With a road deviation the boundaries of reserve 1460 (purpose —water and camping) are to be amended and an equivalent area of the reserve is to be included in timber reserve (Forests Act).

Area No. 5:

About 3½ miles north-east from Wilgarup townsite. Approximately 90 acres of poor forest area applied for by an adjoining landholder.

Area No. 6:

About 11 miles easterly from Walpole townsite. Approximately 60 acres of a narrow strip of land between five chain road and private property to be exchanged for an equivalent area of private property adjacent to State forest. The exchange will provide a better boundary for both parties.

Area No. 7:

About six miles south-east from Williams townsite. Approximately 1,450 acres of poor agricultural and forest area which is to be reserved for the protection of flora and fauna and vested in the Minister for Fisheries and Fauna.

Area No. 8:

About eight miles south from Nannup townsite. Approximately 75 acres of poor forest country applied for by an adjoining landholder.

Those are the submissions, and I move the motion standing in my name.

MR. GRAHAM (Balcatta) [4.47 p.m.]: It is my intention to ask my distinguished colleague, the member for Warren, to move the adjournment of the debate and entrust to him the task and responsibility of checking the various areas. However, I thought I would say a few words at this stage because I feel that the information which is supplied to us is not nearly as comprehensive as it should be.

Here and now let me say I am not uttering these words in a critical strain, but I think the Minister would agree with me that it is an important and serious step when any portion of dedicated State forest is being excised. The purpose of this motion is that members should be informed and that Parliament take the steps responsible for the excision. The Conservator of Forests, or the Minister for Forests, cannot do it; Parliament does it. We are supplied with certain documents, towards the end of the parliamentary session, in which certain data are given to us. However, I find from the plans—and there will be nothing new or novel about this, no doubt—that it is impossible to obtain an appreciation of the effect of the excisions.

Members who study the papers which are available for their information will see that there is a small area coloured blue. Sometimes the areas are larger and similarly coloured blue, and they indicate the State forests to be excised. However, there is nothing to indicate the boundaries of the State forests or the areas of land which are privately held.

Mr. Bovell: This procedure was followed by your Government.

Mr. GRAHAM: That is so; but surely we can learn.

Mr. Bovell: I am not being critical; I am reminding you.

Mr. GRAHAM: I indicated earlier that I am not criticising the Minister or his department. I challenge any member of this Chamber, in the matter of the diagramatic aspects, to be able to make an assessment of the situation from those plans. Necessarily, we must accept the word of the Minister as to whether certain land is carrying commercial timber or if there are other aspects in connection with it. But it could be, by our decision, that we are allowing a salient of land to be selected and developed which would provide a threat from the fire hazard point of view to valuable State forests. Unless we have some indication of where boundaries of State forests are and the position

of privately-held land adjoining, then we are voting on this matter completely in the dark.

I do not want to appear to be raising a pettifogging little point; but surely if the framers of the Forests Act regarded this matter of excisions from State forests as being so important that they required a special motion to be adopted by a majority of members of both Houses, then it is our responsibility to see that information is placed before us to enable us to make a decision, knowing the consequences of that decision. So I would ask the Minister to confer with the Conservator of Forests and supply the additional information as outlined.

MR. ROWBERRY (Warren) [4.50 p.m.]: I concur with my distinguished colleague and have much pleasure in moving that the debate be adjourned.

The SPEAKER (Mr. Hearman): Order! The honourable member cannot do that. He has made a speech.

Debate adjourned, on motion by Mr. Davies.

EDUCATION ACT AMENDMENT BILL (No. 2)

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 2, page 2, line 11—Add after the word "Department" the passage "except that where the recommended applicant is not a permanent member of that teaching staff, teachers engaged in continuous full-time employment in that department may appeal in respect of that recommendation".

No. 2.

Clause 2, page 2, lines 18 to 21—Delete all the words commencing with the word "and" in line 18 down to and including the word "appeal" in line 21 and substitute the passage "unless he satisfies the Tribunal that change of circumstances since lodging his application warrant a variation of that order of preference, and the Tribunal shall in hearing and determining the appeal have regard to such order of preference as submitted or varied, as the case may be".

Mr. LEWIS: Members will recall that I had these amendments framed for inclusion in the Bill in another place. This was after the Deputy Leader of the Opposition drew my attention to some reservations that the Teachers Union had and, as a result, and after further consideration, and consultation with the president of the Teachers Union, these two amendments were framed. I move—

That amendments Nos. 1 and 2 made by the Council be agreed to.

Mr. TONKIN: The position is as stated by the Minister for Education. I want to make it clear that when we were informed that amendments to the Bill would be made in another place we were told by the Minister that the Teachers Union had agreed, but on the understanding that if in practice these did not quite work out in the way intended the matter would receive further consideration. On that understanding I support the Minister.

Mr. W. HEGNEY: I would like to make a brief explanation in regard to this matter. I obtained the adjournment of the debate when the Minister introduced the Bill. I studied the remarks he made and he definitely, and I should say truthfully, stated that from his point of view the Teachers Union representatives had agreed to the proposals in the Bill.

I compared the Bill with the provisions in the Act and, to my mind, they represented a distinct convenience to the department and to the union. The Deputy Leader of the Opposition raised the point that the union was not satisfied and the Minister decided he would look further into the matter. It appears there was some slight misunderstanding, but I would like to mention that I accepted the Minister's word when I supported the second reading.

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

Report

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

WORKERS' COMPENSATION ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committes (Mr. W. A. Manning) in the Chair; Mr. O'Neil (Minister for Labour) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 2, page 2, line 4—Delete the words "any place" and substitute the words "a place".

No. 2.

Clause 2, page 2, line 5—Insert after the word "employment" the words "in relation to port or harbour operations at each port or harbour".

No. 3.

Clause 2, page 2, line 8—Insert after the word "employers" the words "of port or harbour labour at each port of harbour".

No. 4.

Clause 2, page 4, lines 11 to 26 inclusive—Delete the proposed new subsection (13) and substitute the following:—

(13) (a) Where a judgment for damages has been given in favour of a worker, independently of this Act, in respect of an injury by accident and the worker receives payment of the whole amount of the judgment, he shall not commence or continue proceedings for, or in relation to, compensation under this Act in respect of the same injury.

(b) Any amount paid to a worker under a judgment for damages in respect of an injury by accident shall be deducted from the sum recoverable by the worker from the employer, by way of compensation under this Act, in respect of the same injury.

(c) Any amount received by the worker from the employer by way of compensation under this Act in respect of an injury by accident shall be deducted from the amount recoverable by or payable to a worker from or by the the employer, under a judgment for damages in respect of the same injury.

Mr. O'NEIL: I propose to deal firstly with amendments Nos. 1, 2, and 3 made by the Legislative Council because they all apply to the same part of the Bill. Members will recall that section 7 of the Act was amended to define more clearly the place of pickup because, although it was the intention of Parliament when the Act was amended on the last occasion to cover port and harbour workers, in fact the provision did not cover them.

The Legislative Council has chosen to alter the wording of the clause and with the first three amendments new subsection (1d) will read as follows:—

For the purposes of this section a place at which persons, ordinarily employed in a particular employment in relation to port or harbour operations at each port or harbour, customarily attend, by prior arrangement, for the purpose of being selected and engaged, and at which employers of port or harbour labour at each port or harbour customarily select and engage persons . . .

This now makes it clear that the provisions of this legislation are intended to apply to the persons for whom the original amendment was made. I move—

That amendments Nos. 1 to 3 made by the Council be agreed to.

Mr. FLETCHER: Having heard the Minister read the Council's amendments into the clauses I feel that our discussions on this Bill went for nothing, because at that time we maintained the clause was too restrictive in relation to those it covered. Those who were not chattering at the time and who were listening attentively to the Minister would have heard that the provision applies in relation to port or harbour operations at each port or harbour, and also to port or harbour labour at each port or harbour. The Minister will recall my argument on behalf of all casual employees throughout Western Australia.

We want all casual employees, irrespective of where they are in the State, to have the same coverage as those associated with port or harbour employment. As an example, we cited those working in wool stores who might get injured while moving to and from their place of work. I also cited the case of those who sit on a hotel verandah at Fremantle waiting to be picked up by various unions which employ casual labour.

I know the Minister is not responsible for what has happened in another place, but I certainly think that the amendments proposed are too restrictive. They should cover all the people in Western Australia who are employed on a casual basis. I am gratified that it covers waterside workers and other people associated with ports and harbours, but I am concerned that it does not cover those whom I wish to see it cover.

I would refer members to page 9 of the Victorian Workers' Compensation Act, 1965. Under "Employment" on page 9, the first paragraph says that an injury shall be deemed to arise out of or in the course of employment if the injury occurs, etc. Where there is no fixed place of employment the terms shall be deemed to include the whole area, scope and ambit of employment. That is what we on this side of the House wish to see adopted here. I am disappointed the Bill does not cover all the people it should.

Mr. Bickerton: The Minister can alter it.

Mr. FLETCHER: I hope he will. I had a quick look at the Victorian situation when comparing it with our conspectus of the Act here. I would refer members to page 21 where they will see the liability of the employers for injuries. We should ensure that this legislation

covers the entire area of the State. Under the Victorian set-up compensation is payable to the workers on one side of the border, and even to those in another State, whose employment is wholly in Victoria or place of residence is in another place. At page 21 under "Liability of Employers for Injuries," we find the following:—

Personal injury to a worker.

(a) Arising out of or in the course of employment whether at or away from his place of employment.

(b) Having been present at employment, is temporarily absent during any ordinary recess without voluntarily subjecting himself to abnormal risk of injury.

(c) Travelling to or from his home and place of employment or between either place and any trade, technical or other training school which he is required or expected to attend.

(d) Travelling for treatment, etc., while on compensation for a previous injury.

(e) Travelling between place of residence and place of pick up.

Mr. O'Neil: I appreciate your arguments; but we are talking about the Legislative Council amendments.

Mr. FLETCHER: I say they do not achieve what we wish them to achieve. I have some figures which were contained in the 1964 conspectus and which show that those injured while travelling to and from work in New South Wales were only 5.60 per cent. of the total number. In Queensland, which I suppose has a comparable population, 2.81 per cent. of the total number were injured while going to and from work.

Mr. O'Neil: Is that a percentage or per thousand?

Mr. FLETCHER: It is a percentage. I cannot see what the Government is arguing about. I ask the Minister to consider rejecting the amendments suggested by the Legislative Council, because they are too restrictive.

Mr. W. HEGNEY: The member for Fremantle has raised a very pertinent point, and I hope the Committee will not agree to the amendments submitted by the Legislative Council, because they are restrictive in their application. If they are carried they will restrict the application of the provisions of the Act. Last year in the dying hours of the discussion on the Bill the then Minister placed the words, "or place of pick up" in the particular clause. He intended it to be effective.

I understand the present Minister has been advised that there is some doubt about the position. We certainly do not want the clause to apply merely to the ports of Western Australia; it should have general application. The clause provides that the last employer shall be responsible for compensation payable for an injury suffered by a casual worker while travelling to and from his place of employment.

If these amendments are accepted will they restrict the provision of compensation to workers travelling to and from their place of employment, or their place of pickup? The member for Fremantle mentioned certain temporary or casual workers; certain wool store employees. They are not within the confines of the port or harbour. It is customary for them to be picked up at a certain point. Will they be covered by the Bill? There are A.W.U. men who report for employment on the north side of the harbour, and there may be other places away from the coast where workers report from time to time for employment on a temporary or casual basis.

I do not know whether the Council's amendments will give the to-and-from clause universal application. The Minister gave us the very clear impression that the application of the clause covering workers travelling to and from their places of employment would be universal, and there would be no restriction. If it is to be circumscribed in any way it shows we are not making a great deal of progress in regard to workers' compensation.

I suggest that progress be reported, so that members will have the opportunity to examine the situation further, and the Minister will be able to obtain further advice.

Mr. FLETCHER: I omitted to make one point in my earlier remarks, which was referred to by the member for Mt. Hawthorn. It relates to people who work in close proximity to the port or harbour, and who are covered by the term "in relation to port or harbour operations at each port or harbour."

There are certain wool stores in the Fremantle area, such as those belonging to Dalgety & Co. and Elder Smith & Co. These two firms have buildings and storage space in the Fremantle area proper, and they could be considered as being within the port or harbour area. Other companies have established wool stores at Hilton Park, Spearwood, and South Fremantle, but I wonder whether these can be classed as being within the port or harbour area. I submit that in such cases litigation could arise.

The head office of a firm could be located in the Fremantle port area, but its branches could be established within a distance of five miles of the port. Would the branches be regarded as being within the port or harbour area? For these

reasons progress should be reported, so that the position can be examined again to ensure that the unions and the Government will not be bogged down by litigation in the future. I would not like to think that the insurance companies have imposed on the Government the amendments which were made by the Legislative Council.

We should take into consideration the very low percentage of the workers who travel to and from their place of work, and who are injured in the course of the journey. In New South Wales the figure is 5.6 per cent., and in Queensland it is 2.81 per cent. The Minister should advise the Government to examine the amendments before us, to ensure that all workers—particularly those engaged on a casual basis, and those travelling to and from work, irrespective of the place of pickup—are covered in a similar way to the workers in Victoria.

Mr. O'NEIL: It is necessary for me to recapitulate what was said by me during the second reading debate when the Bill was last before the House. I said—

> During the debate last year, the words "of place of pickup" were added as being synonymous with place of work. These words were added as a result of representations made by Opposition members to cater for wharf workers. It is pointed out that the inclusion of these words is regarded as having had no effect whatever. Since such workers are casually employed, the contract of service commences after the worker has been picked up and terminates prior to his returning home at the conclusion of an allotted task. Consequently, during such journeys between home and place of pickup, the worker has no employer, and a right to claim is empty unless there is someone against whom he can claim.
>
> The problem was overcome in other States by providing that in such cases the worker's last employer shall be liable for any claim, and it is proposed to make the same provision in the Western Australian Act.

The proposal of the member for Fremantle that all workers, whether or not they are going to or coming from a place of pickup, should be covered by this legislation is not practicable. We are now discussing the amendments which have been made by the Legislative Council. When the Bill left this Chamber the particular provision in clause 2 was as follows:—

> For the purposes of this section, any place at which persons, ordinarily employed in a particular employment, customarily attend, by prior arrangement, for the purpose of being selected and engaged, and at which employers customarily select and engage persons.

Those words were used to describe the place of pickup. It was not envisaged that the journeying provision would cover all workers in Western Australia. There is not a great number of workers who need be covered by this provision, and we should make the definition of a pickup place very clear. I have heard it said that when an employer arranges to pick up a worker to take him to work in his car, the worker is not covered by the journeying provision from the time when he leaves home until he arrives at the corner of the street where the employer picks him up.

The pickup place is the arranged spot where it is the custom of workers of a certain category to attend, and where it is customary for employers to select the labour they require. One amendment made by the Legislative Council refers to the place of pickup as being applicable to port and harbour works. With regard to the workers engaged in wool stores and the like, this matter was investigated when the Bill was under consideration in another place. We have been given the opinion that such workers are in a different category, and that they are regarded as being permanent casuals, because they do not leave one employer for some time and then seek employment at the wool stores. These workers report regularly at one place, and they are engaged if and when required. I am given to understand they are covered by workers' compensation.

To understand how difficult it is to have all workers covered while they are journeying to and from work, one would need only have regard to this situation: A worker leaves home with the firm intention—which he has not disclosed to anyone—of going to the corner of Bulwer and Beaufort Streets to obtain a job. On the way he is involved in an accident and is killed. In those circumstances who is to say that he was travelling to work?

Some people claim that when a person telephones an employer, in answer to a newspaper advertisement offering employment, and the employer instructs him to proceed to a certain place where he will be given employment, he is not covered by workers' compensation on the journey. I am told that is not so. The fact that the offer of employment was advertised, and that the employer directed the worker to a particular place, covers the worker from the time he hung up the telephone.

When the Bill left this Chamber it did not have the effect of covering all workers throughout Western Australia, but it did contain a definition of a place of pickup. In my view the amendments made by the Legislative Council do not make the provision any more restricted than it was when it left this Chamber; they define more clearly the place of pickup.

Mr. W. HEGNEY: The amendments made by the Legislative Council have direct application to the provision in the clause when the Bill was last before this Chamber. After listening to the Minister I am satisfied that if the amendments are agreed to the provision in clause 2 will have very restricted application.

Mr. O'Neil: Could you give me an instance of one other pickup place?

Mr. W. HEGNEY: The wool stores at Fremantle have been mentioned. They were also referred to by the Minister in another place. If the Minister contends that the workers in the wool stores are already covered by workers' compensation why is he not agreeable to the provision in this clause being worded as it was when it left this Chamber? Why is it being restricted to certain workers in port and harbour areas?

I understand that between 120 and 130 workers are engaged in the wool stores on a continuous casual basis. They are not permanent workers, but they receive a substantial amount of work in the wool stores. They receive a loading for the casual nature of their work. They are not employed in a port or harbour area, but they are casuals and they travel to and from their place of pickup, which is the place of engagement of labour. The Legislative Council has decided to restrict the application of this clause.

It is pertinent to point out that a clause providing for insurance coverage for workers injured while travelling to and from work was first introduced in this Parliament 41 years ago. During that period of 41 years the Labor Party, as the Government or as the Opposition, has consistently and continuously fought for the protection of workers while they are travelling to and from work, not only on behalf of the waterside workers at Fremantle or the A.W.U. workers along the north-west coast, but of all workers who are obliged to travel to and from their place of residence to their place of employment.

It was thought when the Bill left this Chamber that a substantial contribution had been made in providing adequate insurance coverage for workers travelling to and from their place of work; but from the remarks of the Minister and from what has taken place in the Legislative Council I am satisfied that some diehards are still trying to circumvent our efforts to bring about the universal application of the journeying provision.

We have not had much opportunity to study the situation, and I suggest the Minister might agree to progress being reported. I believe this is a last-minute attempt to restrict the application of the journeying provision.

Mr. FLETCHER: I remind the Minister of our objection to the use of certain words. He said he would ask another place to have a look at the words, "by prior arrangement."

Mr. O'Neil: I did that and I explained it at the third reading.

Mr. FLETCHER: I have no doubt the Minister did as he promised; but, unfortunately, without success. I believe I have evidence to demonstrate that this is a deliberate attempt to restrict the provisions of the Bill. It is not the fault of the Minister, I have no doubt, but it could be the fault of others. The very first amendment inserts the word "a" in lieu of the word "any." Does that not immediately make the provision restrictive?

Mr. Rowberry: Changes it from the indefinite to the definite.

Mr. O'Neil: I do not think you are quite right.

Mr. FLETCHER: I think that was a very wise summing up on the part of the member for Warren and I thank him for his interjection. The member for Cockburn has also helped me with suggestions as to other places where casual employment is picked up. He said that casual workers are picked up for the sugar works, the superphosphate works, the meatworks, and the oil installations, where casual labour may be necessary to shift drums, either empty or full.

I would further point out that employees who might have obtained work at the Fremantle wool store might believe there were better prospects at the South Fremantle establishment of Elder Smiths, and proceed there. I mentioned earlier that the member for Perth has been associated with a legal fraternity which has had half a century or more of experience on matters associated with workers' compensation, and I am sure he must have some reservations about the prospect of litigation which could flow from the nature of this clause as it will be when amended. It is restrictive and dangerous, and I ask the Minister to give further time for its consideration.

Mr. O'NEIL: I think I should perhaps once again explain the position that this clause was in when it left this Chamber. Under it a place of pickup is a place at which persons ordinarily employed in a particular employment customarily attend by prior arrangement for the purpose of being selected and engaged, and at which employers customarily attend to pick up labour. The attendance of a person at a place where only one employer picks up labour does not mean that that place is a place of pickup.

Mr. W. Hegney: Why not?

Mr. O'NEIL: Because the requirements of a place of pickup involve customary attendance by certain classes of workers and employers.

Mr. Fletcher: Of port labour.

Mr. O'NEIL: I am talking about the provision in this clause when it left this Chamber. The place was also to be one of prior arrangement. I think when we were discussing this amendment previously it was suggested that other words be used, but when I indicated to members that the words "by prior arrangement" constituted better English, I think even the Leader of the Opposition said, "Hear, hear!"

Do not let us get away from the fact that when this particular provision left this Chamber, the reference was to place of pickup as determined. I do not think there is any other such place where men are engaged that could come under this definition as it existed before the Legislative Council amended it, and for that reason the argument put up in order to broaden the provision does not hold water. I therefore do not propose to oppose the Council's amendments.

Mr. BRADY: I can only assume the Minister has little or no experience of picking up casual workers and that he knows little about industry generally. The position in the wheat industry, the meat industry, to some extent the fruit industry, and the railways, is that casuals meet in certain places to be engaged or to go to their employment, because of usuage and custom. They have done so for the last 20 or 30 years and the employers recognise those places as being the places at which labour can be picked up.

I was at the abattoirs one day this week and there was a notice there indicating that no labour was required. That was on the door of the office just outside the abattoirs, and that applies in a number of places around the metropolitan area. As a Trades Hall official for many years I picked up at the Midland Junction Trades Hall probably thousands of workers for jobs. That was the recognised pickup place. Even today employers in many cases pick up their employees from the labour depots in the various districts because they are the recognised places for employees to assemble to be picked up.

I just cannot understand the Minister wanting to argue this. As a school teacher he himself must know, having travelled around the State, that there are places where casual labour is picked up.

That is one angle of these proposed amendments. Another amendment, which I think is damnable, is the one which tries to restrict this provision to one type of employment. That is definitely wrong, unjust, and unfair; and I cannot emphasise that enough. Why should one section of casual workers be given special consideration? All of them should be treated the same whether they are meat workers, railway workers, mineworkers, wool workers, or whoever they are. This could be a very dangerous precedent to accept because next year the railway employees will want a special provision and perhaps the following year the mineworkers will require the same. The provision to cover workers from the time they leave home until the time they get to their employment or their casual pickup place will be the subject of litigation for many years.

I read in this morning's paper that a very close friend of mine was killed last night in an accident whilst he was returning from work. As a union secretary for many years I know of half a dozen widows in this State who have not received compensation because their husband or the breadwinner was killed just before he entered the workshops gate or just after he left it. I am very concerned about this matter.

When this Bill was dealt with in this Chamber previously those on this side all believed that the provision was to apply to all workers. If it was to apply only to those workers in Fremantle or the ports of Albany and Geraldton, it should have said so in the first place. Therefore I do not think it is fair of the Minister to say that he indicated it was only to apply to those workers. We are not all galahs on this side of the House even though some on the other side may think so, and we all thought that this provision applied to all workers. I am quite sure that was the intention until someone with a very keen perception in the Upper House said: "No. We will string these boys along so that wharf labourers will get it this year, the railway labourers next year, and the mineworkers the following year" and in that way allow the matter to go on *ad infinitum*.

That is the way the employers in Western Australia have been dealing with many reforms for the working people; and I am not going to stand by and allow the Minister to get away with this. These sittings of Parliament will be continued month after month if every member has to submit the point of view of every type of worker in his electorate. I did not do this because I did not think by any stretch of imagination that the Minister was trying to convey that the amendment was only going to apply to workers on the Fremantle wharf. I do not think even the Minister himself believed it.

Mr. O'Neil: I said it during my second reading speech.

Mr. BRADY: If the Minister intended that the provision should apply only to port workers, why was it not included in the amendment? It was not included because that was not the intention; and I do not believe we should accept the amendments.

Mr. FLETCHER: The Minister did not reply to my previous remark concerning the deletion of the word "any" and the substitution of the word "a". I admit the Minister has not had much of a chance yet, because we on this side are so concerned about the restrictive nature of the amendments we have been up and down repeatedly.

The Minister did say earlier that a fellow who is engaged even per medium of the telephone would have compensation coverage. I have no doubt that if he were the employer the Minister would live up to such an obligation, but a phone conversation is a very tenuous thing unless a tape recording has been made of it. I am sure that a tape recording would be satisfactory evidence for the member for Perth or any other member of the legal profession, but just a phone conversation certainly would not be sufficient.

To further illustrate the amendment suggested by another place, if it is accepted a casual worker, unless he were employed in the area prescribed by the amendments submitted by another place would not, even on his fourth day of employment, be entitled to compensation if he met with an accident, because he did not work in the port area. He could be engaged in the port area originally, but could be working at Hilton Park which is three miles away. Not being in the immediate vicinity of the port area, would he be eligible for workers' compensation when travelling to and fro?

Mr. O'Neil: If he has been picked up and told to go to the Hilton Park area, yes.

Mr. FLETCHER: He may be picked up at South Fremantle where there is a branch of Elder Smith's, or at Cuming Smith Mount Lyell at North Fremantle. Because he is not in the port area he becomes, under these amendments, ineligible for workers' compensation when travelling to or from work.

I have already quoted the percentages. They are so small that they are not worth arguing about, and I regret the Government still persists in arguing about them. Somewhere between the Queensland and the New South Wales percentages would be the figure that applies to this State. I ask for a rejection of the Legislative Council amendments.

Mr. MOIR: The assertion by the Minister that these amendments will not restrict the legislation any more than it was restricted when it left this Chamber is completely wrong. The amendments seek a restriction to ports and harbours. This is a very great restriction. The Minister has asked: Where are people picked up outside the designation in the amendments which have come from the Legislative Council? There are a number of places.

I cannot subscribe to legislation that is discriminatory, as the Minister will make this by accepting the amendments. Certain people will be compensated if they are unfortunate enough to meet with an injury when attending designated places at which labour is picked up to work in connection with ports and harbours.

Shearers who work in the pastoral industry could be affected quite a bit. They are picked up on the Esplanade, as I have witnessed on many occasions, to travel to the north-west to commence their runs. They are members of the Australian Workers' Union. Over a great many years there has been a place on the Esplanade where the shearing teams have met in order to go away. People attend at that place for the purpose of being picked up to engage in that occupation.

Another instance that comes to mind concerns the advertisements by some of the mining companies engaged in the iron ore industry in the north-west. As a result of those advertisements potential workers attended a pickup in St. George's Terrace. We know that is so because we saw the photographs in the paper. Those people were attending at a place of pickup.

It struck me that the Minister was very naive, or that he assumed members on this side of the Chamber were naive, when he made the assertion that a man who met with an accident on his way to commence work, after being engaged over the telephone, would be covered. From my long experience I know that workers who have been demonstrably injured, and certified to be injured, have failed to get compensation; and, as a result, I cannot for a moment believe that what the Minister illustrated in connection with an engagement over the phone would result, in certain circumstances, in the worker being compensated for some injury, on the journey to work. It certainly would not happen if the State Government Insurance Office was concerned; the worker would need to put up a far better story than that. I hope members will forgive me for being a little sceptical of that point made by the Minister.

The amendments certainly restrict the measure compared to what it was when it left this Chamber, and I strongly oppose them. The Minister should not be prepared to acquiesce in these amendments. If he believed in the legislation as he introduced it into the Chamber, he should stick to it. He should be satisfied with the legislation he brings here. The only time we should agree to amendments from another place is when they improve legislation; not when they make it worse than it was.

Mr. W. HEGNEY: I say emphatically that last year the Minister for Labour in the then Government introduced an

amending Bill, and just before the Committee stage was completed, he accepted an amendment from me to insert the words "or place of pickup." We then got a definite understanding that all workers would be covered for insurance while travelling to or from their place of work or place of pickup. The present Minister says there is no place of pickup. Anyone who has been associated with industrial matters for any length of time will know there are places of pickup.

When the Minister introduced the Bill he gave us the impression that it would make the position clear in regard to casual workers, or workers who customarily attended at a place for the purpose of engagement. He made it clear that they would in future be covered. He did not say the provision in the Bill would be restricted to port workers. He gave the impression it would be universal, and we accepted what he said.

The Minister has now decided to accept the amendments of the Council. Why? A workers' compensation Act, in its general provisions, is one for the protection and benefit of injured workers or, in the case of death, of their dependants. He says that the casual workers whom we claim will be excluded, will be included. He has thrown the onus on the workers, if they become injured, to prove their *bona fides* or their case for insurance. The Minister has done that rather than throw the onus on the employers. If there are any cases in the future—there will certainly not be many—why not throw the onus on the employer to prove that the persons concerned were not present at the place of engagement or pickup, or were not injured while travelling to their work?

I say without any apology whatever that this is a swift one that is being put over. This is a last-minute attempt after 41 years to defeat the purposes of this to-and-from clause. If the private members on the Government side are going to sit idly by and vote for these amendments, then in the light of the Minister's remarks in his second reading speech and in the light of the statements made from time to time by the Premier regarding his interest in the working people of this State, I say they will accept anything. If those members are worth their salt they will at least ask that progress be reported so that we may have another chance to look at the position.

We are not opposing these clauses for the sake of opposition; we are opposing them because we believe they are restricting the benefits to which certain workers may become entitled should they be injured in the course of their employment or when travelling to and from their place of pickup.

If the Minister wanted to restrict this clause, why did he not do so in the first place instead of having it done by the Legislative Council? He said it would have universal application and there would be no restriction; that workers who were required to attend a pickup by prior arrangement and who were injured when travelling to or from the pickup would be covered. Now he meekly says the Legislative Council restricted the application of this provision, and he proposes to accept the restriction. The Minister for Labour in any Government should stand up for the working people to see that they get a fair go. No representative in the community or in Parliament should put a swift one over.

I hope the Minister will still agree to have progress reported so that we can have another look at the position. If he will not, then I implore the members on the Government side to vote against the amendments and thereby protect the interests of the people whom the Minister, in his second reading speech, said he set out to protect.

Mr. FLETCHER: I hope that after tea the Minister will be in a more receptive mood so far as the good arguments that have been submitted from this side of the Chamber are concerned.

Mr. O'Connor: You won't give him a chance to reply.

Mr. FLETCHER: I think the Minister is amenable to reasonable argument. I believe his original intention was to assist us when we expressed reservations in relation to the Bill before it left this Chamber to go to another place. I earlier quoted information concerning the situation in the Eastern States. I asked the Minister to have a look at what I submitted. That information is available to the Government just as it is to me.

Mr. O'Neil: I have a copy on my table.

Mr. FLETCHER: In that case I ask the Minister to broaden the application of the Bill and not restrict it in the manner another place suggests by way of its amendments. It should be broadened to conform with the legislation in other States.

I do not for a moment believe that the officers of the Minister's department are responsible for these amendments being introduced, because they are too experienced to put forward these amendments. I hope the private insurance companies have not, in effect, used their influence on those in another place to have introduced these amendments which are unsatisfactory to the majority of workers in Western Australia, and which would apply only to the ports along the coast between Eucla and Wyndham. I ask the Minister and the Committee: How far inland from those ports will this legislation apply? This is the same question that has been asked by the member for Mt. Hawthorn. I know the Minister has an onerous task, but I do not want the wrath of the Trades

Hall brought down on his head. I ask that he reject the amendments that have been pushed on to him and those in this Chamber by another place.

Mr. O'NEIL: I wish to make two points. Firstly, it is rather surprising that this Bill, which is a vehicle for a much more important amendment to the Industrial Arbitration Act, and in which an attempt is made to clarify the position that resulted from an amendment to the Act passed in 1963, should occasion so much difficulty.

The legal opinion is that the definition of pickup places in the 1963 amendment had no effect whatsoever—that is, to this extent at least; namely, that certain persons travelling to and from a recognised place of pickup are now covered by workers' compensation. So to say that we are nullifying the original amendment passed in 1963—

Mr. W. Hegney: 1964.

Mr. O'NEIL: —is simply not correct. The only other comment I want to make is on the use of the word "a". The member for Warren referred to it as a definite article, but I would point out to him that the words "a" and "any" are indefinite articles, and the definite article is the word "the".

Mr. HALL: The deletion of the word "any" and the insertion of the word "a" would place me in an invidious position if I did not define the circumstances of the casual employees of the electorate I represent. I am thinking of the food processing industry. One of the employers in that industry picks up his casual labour at two different factories and then transfers men from one to another. In this case, which would it be—"a" or "any" place? Would this employer select his labour from the fish factory or from the bean processing factory?

As members of the Country Party know, we have employers in primary industries who pick up workers at the factory, such as potato diggers and planters who travel to different spots. Further, during the course of their employment they are not picked up at the one spot every time. Also, workers in the commercial field can be engaged overnight to perform certain duties. A salesman, for instance, may not return to the base of operations where he was engaged. What would be his position? What would be the effect of this legislation on workers who are employed at different places stretching from Gnowangerup to Cranbrook? A worker could only expect to be covered at those different points.

On looking at the Bill, would the words "ordinarily" and "customarily" be applicable to casual workers who may be transferred from one place to another through circumstances beyond their control? When a juror is empanelled he is paid for his services, and the Minister has asked that the place of employment should be defined. However, a judge may decide to hold his court at different places and each juror would be required to report at those places to render service. In those circumstances could the Minister define the place of employment? In my opinion the word "a" is too restrictive and casual labour should be covered under the to-and-from clause. It would be inequitable if the Minister were allowed to get away with these amendments. In his own heart I think the Minister would have preferred the Bill to pass in its original form. Perhaps when he returns to the Chamber after dinner he will move to have the word "any" struck out.

Apparently someone has tried to influence those in another place to neutralise the effect of this legislation which has taken so long to bring up to its present form. The legislation is not entirely satisfactory to all workers, but it does go some way towards having the to-and-from clause incorporated in the Act for the benefit of the worker.

Mr. ROWBERRY: The word "galah" has been mentioned in this Chamber this evening, and I would say that there is only one galah here tonight and that is the member for Warren.

Mr. Bovell: An open confession.

Mr. ROWBERRY: I refuse to accept the Minister's definition of definite and indefinite articles. He has said that "a" has the same connotation as "any". There is a vast difference in the use of the word "a" and "any" if we say, on the one hand, the Minister was at a place of employment this morning, and on the other say the Minister was at any place of employment this morning. The word "a", in Scottish grammar, anyway, is the diminutive of the word "the".

Mr. O'Neil: I have not studied that language.

Mr. ROWBERRY: I will present proof to the Minister next week that that is correct. On first reading this section of the Act I thought we were wasting time in striking out the word "any" and inserting the word "a", because "any" has direct connotation further on in line 10. On reading the clause, together with the amendment suggested by another place, it will be seen that the word "any" has a far different meaning. When first introduced, this clause in the Bill sought to strike out, in paragraph (b) of section 7(1a) the words "or place of pickup", so that the place of pickup would no longer have general application.

The clause will now have application only to port or harbour labour at each port or harbour. So casual labour at each point of pickup under the new Act, when passed, will no longer be covered, in my estimation. The Minister should at least

explain to the Chamber what the insertion of these words will do, because he failed to do this when replying to the arguments put forward by those on this side of the Chamber.

The CHAIRMAN (Mr. W. A. Manning): Order! I would remind members that there will be a meeting in this Chamber at 6.50 p.m. to explain the current proposals for parking and changes in road structure in the vicinity of Parliament House. I will leave the Chair until the ringing of the bells.

Sitting suspended from 6.15 to 8.8 p.m.

Mr. ROWBERRY: Before the tea suspension I was stating that the Minister had not answered the objections which members on this side had to this clause. As it will now be amended, the clause restricts the provision of the Act to certain people and activities and to employers of port or harbour labour. Previously the Act applied to anyone who attended a pickup place.

I would also like the Minister to tell us why he came to the conclusion that "pickup place" has no legal standing. This measure was enacted in 1912, and those words have been in the Act since then until now or, at least, for a considerable period of time.

Mr. O'Neil: Since 1964.

Mr. ROWBERRY: Even though he might argue that the words have no legal standing, they have, because of common usage, been accepted in law. All our common law is based on that principle: that what has been in use for a considerable number of years is accepted. It is not written down but the judges of our courts pay due attention to such matters.

I also want the Minister to tell us whether the clause as amended will apply only to persons who are port and harbour labourers or whether it will, as previously, apply to all casual labourers who attend at an accepted place of pickup.

Mr. FLETCHER: Mr. Chairman—

The CHAIRMAN (Mr. W. A. Manning): Before the member for Fremantle commences, I would like to mention to him that I do not expect him to repeat some of the things he has already said. Some of his statements he has repeated three times in five different speeches; so I would like him to keep his remarks now to something new.

Mr. FLETCHER: I have known debates go on for longer than this, and I have known others to indulge in what could be considered weary repetition. However, having in mind what you have said, Mr. Chairman, I will get on to a new area of the clause to show it is restrictive.

I was going to suggest that we refresh our memory as to what the Bill provides under the amendments. The member for Warren has done that very capably, so I will not indulge in repetition in that respect. However, if I had the material now which I have made available to *Hansard* on the situation which applies in other State, and as it should apply here, I would read that again because I do not think members would find it to be weary repetition.

I promised to debate new ground. Proposed new subsection (1d) in line 10, contains the words, "for that employment". For what employment, may I ask? Under the amendment from another place, the words "in relation to port or harbour operations at each port or harbour" are to be included. They are the new words which demonstrate that the legislation will be restrictive, and that is why those on this side are on their feet. We object to the restrictive nature of this legislation.

I sincerely hope that the Ministers who, during the dinner suspension, were not preoccupied with the subject of traffic in the vicinity of Parliament House, had time to have second thoughts on this issue.

If the Minister for Labour is adamant, then I very much regret it and I have done the best I can on behalf of those I represent: The working community of Western Australia in its entirety.

Mr. MOIR: The Minister has evidently given up all attempt to try to explain why he is accepting these amendments which have come to us from another place.

Mr. O'Neil: I do not wish to indulge in tedious repetition.

Mr. MOIR: I am not indulging in tedious repetition, but I want to ask the Minister why it is that he brings a Bill to this House, presumably well prepared and containing a certain proposal which I think all agreed was somewhat of an improvement on the provisions which were introduced last year into the Workers' Compensation Act; but when the Bill is returned from another place, it contains a restrictive amendment. The Crown Law Department people have passed judgment on the Bill, and I know that the Minister sets great store by their opinions. The legislation was approved by this Chamber; but when it reached another place a certain gentleman there, who, by the widest stretch of imagination could never be regarded as having any sympathy for the workers, foreshadowed an amendment. The amendment is certainly one of the most restrictive which could be brought in.

If the Minister does not think it is restrictive I will quote some of the words used by the honourable member in another place in explaining his motion. He stated as follows:—

> Consideration of the clause was postponed to give the Minister and any other member sufficiently interested in the question an opportunity to see

where we were going, or where we thought we were going, in regard to it. I have further considered the question and I feel the views I then expressed, subject to one point and one point only, are correct, and all the amendments I have on the notice paper, except one, I believe are desirable and ought to be included to make it quite clear that while the clause does apply to the pickups at which it is intended to apply it is not likely, through some curious interpretation, to apply to cases where it was never intended to apply.

I do not intend to move an amendment to insert the words "by roster" because if it were passed it would probably exclude some Co-operative Bulk Handling workers who are engaged in and about the wharf at Fremantle.

We see that it was the intention of the honourable member in another place to place this restriction in the Bill. I surmise that the action of that particular member, when he saw this clause, was to reject the whole clause. One would not need to have much imagination to realise the consternation of the Minister for Labour when that was suggested to him. One can imagine the Minister pointing out to the member concerned that he could not possibly do that. It would annoy the wharf labourers and people in the port. The honourable member was probably prevailed upon not to be so drastic and to make sure that it applied to harbour workers.

We can readily see, by the debate which occurred in another place, that members there were concerned indeed at the effect this would have on other workers not designated. Of course, it was stated that the words do not actually mean what they purport to mean; they mean something else. We have heard that previously in this Chamber: that words mean something other than what they are intended to mean.

Apropos of that, I have a legal opinion which I obtained on another matter, but I think it is appropriate to the question we are discussing. An eminent legal gentleman in this State gave *inter alia* these remarks about what is meant by Parliament—

> It is a cardinal rule that words found in the Statutes must be taken as they are and in their normal and usual context.

I think that is plain, and we must agree with it. So when we look at this amendment which has come from the Legislative Council we must realise that the words mean exactly what they say. It is no good the Minister saying that they do not mean this or that. We have only to use our intelligence and realise that the words have been designed to mean a certain thing.

The Minister came along with well prepared legislation, to which the Legislative Assembly agreed. Because another place has objected to the Bill and it comes back amended, the Minister for Labour very meekly agrees to accept that very drastic amendment. I am like other members on this side of the Chamber who try to get some measure of justice for workers in this type of legislation. When the numbers are against us we have to accept the decision. I and my colleagues are not accepting this but are voicing strong protest and indeed are disgusted with tactics of this sort.

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

Ayes—23

Mr. Bovell	Dr. Henn
Mr. Brand	Mr. Hutchinson
Mr. Burt	Mr. Lewis
Mr. Cornell	Mr. Marshall
Mr. Court	Mr. Mitchell
Mr. Crommelin	Mr. Nimmo
Mr. Dunn	Mr. O'Neil
Mr. Durack	Mr. Runciman
Mr. Elliott	Mr. Rushton
Mr. Gayfer	Mr. Williams
Mr. Grayden	Mr. I. W. Manning
Mr. Hart	*(Teller)*

Noes—17

Mr. Bickerton	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Rhatigan
Mr. Evans	Mr. Rowberry
Mr. Fletcher	Mr. Sewell
Mr. Graham	Mr. Toms
Mr. Hall	Mr. Tonkin
Mr. W. Hegney	Mr. Norton
Mr. Jamieson	*(Teller)*

Pairs

Ayes	Noes
Mr. Craig	Mr. May
Mr. Guthrie	Mr. J. Hegney
Mr. Nalder	Mr. Brady
Mr. O'Connor	Mr. Hawke

Majority for—6.

Question thus passed; the Council's amendments agreed to.

Mr. O'NEIL: In connection with amendment No. 4 made by the Council, members will recall that when this part of the Bill was discussed there was an amendment by the member for Perth for a deletion of a paragraph because there appeared to be conflicting ideas between two paragraphs. I gave an undertaking that we would redraft the provisions as they appeared with respect to this particular clause; and, in fact, this amendment was inserted by the Legislative Council at my request.

I am, however, rather glad that an opportunity is given here to discuss this particular provision which is, in effect, part of the most important section of the Bill. When I introduced this Bill at the second reading stage, I intended to make some comments with regard to the publicity given to this particular matter in the local Press. However, I have been

receiving a caning from the local Press, and I thought discretion was the better part of valour and did not proceed.

However, in the *Daily News* of the 13th October I was interested to read the six-monthly report of the Ombudsman and I could not let this particular person get away with the assertion he made. He states as follows:—

> I have also tackled the problem of workers' compensation payments to injured workers while awaiting the hearing of claims, and was able to point out to the Minister for Labour anomalies in the Act and to suggest amendments.

That being so, I feel I should ask the indulgence of the Committee to allow me to read what would have been a part of my second reading speech had I decided to submit it. This is what I would have said—

> I would like to refer briefly to some publicity which has been given to this matter in recent times, for fear that it may be thought that the Government has seen fit to make these amendments solely because of that publicity.
>
> In the *Daily News* of Wednesday, 14th July, 1965, in an article headed "Anomaly in the Act" this matter was discussed. Among other things, the article contained the following—and I quote—
>
> > "My enquiries led me to the Law Society of W.A. which confirmed that it had looked into the matter last year and recommended amendments to the Act.
> >
> > A check with the Crown Law Department revealed no action there at this time to examine the Law Society's suggestions and effect possible reforms.
> >
> > I visited Labour Minister O'Neil. He had not been aware that such a severe situation existed for the injured worker. He was unaware that the process contained elements savage enough to drive a man back on social services.
> >
> > His official comment was that the submissions from the Law Society about the Act were under consideration."
>
> End of quote.
>
> This was not the end of Press publicity in the matter. On Tuesday, 20th July, just six days later, the *Daily News* editorial, headed "Job to be done", continued to say—
>
> > "The *Daily News* Ombudsman in the short space of three months has already exposed scores of legal anomalies, business malpractices and plain injustices to the community.
> >
> > In some cases, the law clearly fails to provide proper protection. This is seen in the operation of the Workers' Compensation Act. An injured worker is often forced by financial difficulties to accept small weekly compensation payments and therefore forgo his right to sue his employer for negligence.
> >
> > Last year the Law Society referred this anomaly to the State Government. But still we have no indication that amending legislation is being prepared.

I would point out that this was in the *Daily News* of the 20th July. The facts of the matter are these: The submissions of the Law Society were considered by the Crown Law Department officers in December, 1964, and by the Chairman of the Workers' Compensation Board early in 1965. The proposals to put into effect the recommendations are, I believe, being presented to the proper authority at the proper time; namely, to Parliament while Parliament is in session.

I repeat: that would have been part of my second reading speech. However, I thought I had taken the right course, but because of the ombudsman's report that he had pointed out anomalies and had suggested amendments I thought the matter should be corrected. I move—

> That amendment No. 4 made by the Council be agreed to.

Mr. W. HEGNEY: I support the amendment and the Minister's motion to agree to it. I think those who studied the provisions of the original Bill will agree that it needed clarification, and I was pleased to note that the Minister agreed to have the clause re-examined and subsequently amended in another place. It will make the position clear in regard to those who elect to sue for damages for negligence in the case of injury.

I do not propose to deal with what the Minister had to say about the ombudsman because that would be outside the ambit of amendment No. 4. Suffice it to say that since the articles by the ombudsman have appeared in the *Daily News* they have been responsible for the righting of many wrongs. I have met a number of people who have been very pleased with his efforts and the good he has done for the community. I think the *Daily News* Ombudsman has been a good forerunner of the ombudsman who will eventually be appointed by Parliament.

Mr. O'Neil: He gets a lot of credit for a lot of things he does not do.

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

Report

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

BILLS (2): RETURNED

1. Weights and Measures Act Amendment Bill.
2. Land Act Amendment Bill (No. 2).

Bills returned from the Council with amendments.

SWAN RIVER CONSERVATION ACT AMENDMENT BILL

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.37 p.m.]: I move—

That the Bill be now read a second time.

Before I address myself to the matter which is the subject of the Bill before the House, I desire to express my appreciation to the Premier for bringing this Bill forward for consideration so quickly. When he gave me an assurance a few days ago that ample opportunity would be given to discuss the measure I did not expect he would make good his promise so early and I very much appreciate it and would like to say so.

Section 31 of the Land Act provides—

> Whenever the Governor has reserved or may hereafter reserve to His Majesty any lands of the Crown for the purpose of parks, squares, or otherwise for the embellishment of towns, or for the recreation or amusement of the inhabitants, or for cemeteries, or for any other public purpose, the Governor may, by proclamation, and subject to such conditions as may be expressed therein, classify such lands as of Class A; and if so classified, such lands shall for ever remain dedicated to the purpose declared in such proclamation, until by an Act of Parliament in which such lands are specified it is otherwise enacted.

There is a great deal of land in Western Australia—1,000,000 square miles of it—and there are many "A"-class reserves; and those reserves, having once been proclaimed, cannot be touched by anyone unless Parliament approves—nobody can touch a square foot of them unless Parliament approves.

In the Swan River the State of Western Australia, and more particularly the capital city and its suburbs, has an asset of priceless value. One might call it a jewel the value of which over the years is becoming more and more appreciated. As strongly as we may feel about it now, I forecast that in 50 years' time the feeling about the Swan River will be very greatly intensified and there will be the strongest opposition to interfering with it in any way without a very strong case being submitted.

When the Swan River Conservation Board was established, the present Premier, who was then the Leader of the Opposition, expressed the view that he had been waiting for some time for the legislation to be enacted, and I assumed it was because of his concern for the river and what might be done to it. When that Bill was originally introduced in 1958, by me on behalf of the Hawke Labor Government, there was no provision in it—no specific provision, I should hasten to say—preventing any reclamation of the river. It was felt that the clause in the Bill which required a permit to be issued by the Swan River Conservation Board would be ample protection, because it was subsequently enacted that it was an offence for any person or body to carry out any reclamation work at all on the Swan River without a permit from the Swan River Conservation Board. And we did not anticipate that the Swan River Conservation Board would lightly grant permits for substantial reclamation.

The Bill passed this Chamber without substantial amendment; but when it got to the Legislative Council, Dr. Hislop moved an addition to what was then clause 22. The addition which he moved was in the form of a proviso and it read as follows:—

> Provided no resumption or filling in of an area greater than ten acres of the Swan River shall be undertaken until the consent of both Houses of Parliament has been given.

Dr. Hislop explained that he had in his mind to make it five acres but he refrained from persisting in that attitude because he did not want to interfere with reclamation work then in progress; namely, in connection with the fishermen's boat harbour at Fremantle where a reclamation exceeding five acres was being undertaken.

The Government raised no objection to Dr. Hislop's amendment, and when the Bill came back to this Chamber it was recommended that the amendment be agreed to and it ultimately found its place in the Act. It is my view that the present proviso definitely would prevent the contemplated reclamation recently announced if the matter were tested at law, because the proposed reclamation is part only of a larger reclamation which is inevitable, and which is indeed contemplated at this stage, as I shall prove from departmental papers. It appears to be possible, without having the matter tested, to get round the proviso by undertaking a series of reclamations, each one less than 10 acres in extent; and in that way a scheme involving a reclamation of 100 acres could be undertaken without reference to Parliament.

If it is so necessary and desirable that not a square foot of an "A"-class reserve shall be touched without reference to Parliament, why should not a similar provision be attached to work on the Swan River?—because it is my firm conviction

that this is the most valuable natural asset that this State possesses. It is the envy of many other countries and cities.

Mr. Grayden: Hear, hear!

Mr. TONKIN: Surely if we propose to alter it at all we should be prepared to trust Parliament in connection with the matter, because we are obliged, under the Constitution, to seek the approval of Parliament on many less important matters than that one.

So the purpose of the Bill which is now before the House is to ensure that in the future no reclamation whatever shall be undertaken in the Swan River without the matter being brought to Parliament, and the approval of Parliament being given for the work to be undertaken. I hope, as I proceed, to be able to give substantial reasons why such a course should be followed. It appears that this proposed reclamation which has recently been announced, and which now is announced as 8½ acres, was agreed to by the Government in 1961. It is only now that any publicity has been given to it.

Mr. Ross Hutchinson: That is wrong.

Mr. TONKIN: The Minister says it is wrong. I propose to quote from a minute from the Town Planning Commissioner to the Minister for Town Planning; and the file is 654/2/10/2. The heading is "Crawley Bay: University Land, Teachers' Training College and Future Road Proposals." Towards the end of his minute Mr. Lloyd said this—

> I am proceeding on the assumption that the individual endorsement of the Ministers concerned implies Government approval of the scheme. I understand that the reclamation of approximately 9.5 acres of land south of the University was approved by Cabinet on the 14th February, 1961.

Did the Minister say something?

Mr. Ross Hutchinson: You said there had been no publicity. There was a diagram of this proposed reclamation in *The West Australian* last year.

Mr. TONKIN: To continue with the minute—

> I believe the next step we must take is to secure compliance of the two local authorities concerned, i.e. Nedlands and Subiaco City Councils, and I am seeking an early discussion with them.

Earlier in this minute the Town Planning Commissioner made this observation which, to me, is quite disturbing—

> A qualification made on the papers by the Main Roads Department is that item 2, paragraph 32 relates only to the first stage of reclamation, and if and when the road is elevated to dual carriageway standard, some further reclamation will be called for.

I aver that the proposed reclamation exceeds the 8½, or the 9½ acres, because a further scheme is in contemplation—a major scheme of which this is only the first part—and it is an avoidance of the law to talk about 9½ acres now, and therefore avoid referring the matter to Parliament, when the Statute provides that no reclamation exceeding 10 acres may be undertaken without reference to Parliament.

The proviso does not say in any one project, or in any one section of a project; it provides that no resumption or filling-in of the river exceeding 10 acres shall be done. I submit that when the Government approves a plan which, in the ultimate, involves a reclamation of more than 10 acres, and it proposes immediately to proceed with only a portion of that reclamation, it is legally bound to bring the proposal to Parliament as matters stand at present.

But to make it impossible for Governments to get around the law, in the way this Government is seeking to do with this proposed reclamation, I think the House should indicate that no reclamation should be undertaken without the matter being referred to Parliament. On the 2nd July, 1963, there came from the Town Planning Department a report on this proposal which starts off by saying—

> In 1957 Cabinet agreed to the establishment of a site for a teachers' training college at the southern side of the University campus at Crawley. The site totalling approximately 12 acres in all was to comprise 3¾ acres of University land, 5½ acres of national parks land, and 2¾ acres of a portion of Hackett Drive (which was to be closed). Cabinet further agreed to the realignment of Hackett Drive and a foreshore reclamation scheme of approximately 9.5 acres. The Reserves Act No. 56 of 1957 encompassed the above matters with the exception of the reclamation and was assented to on the 24th January, 1958. The realignment of Hackett Drive was surveyed but not constructed.

The report then went on to detail the present proposal and what was involved in it. It was that proposal which caused the Commissioner for Main Roads to point out that the mentioned amount of reclamation—9.5 acres—was only an initial part of the total reclamation involved in this plan. The Minister for Town Planning sent the following around to the Ministers concerned, and said in his minute of the 4th July, 1963:—

> I enclose copy of a report and accompanying plans in respect of Crawley Bay, future proposals University land teachers' training college and roadworks. Broad agreement has been reached with all the departmental heads concerned. I would appreciate it if you would contact me

after you have had an opportunity to study these papers to enable me to come to a final decision.

When this came before the Under-Secretary for Works he put this minute up to his Minister, dated the 26th July, 1963—

> Honourable Minister. Regarding your request at folio 7, the comments of the Land Resumption Officer at folio 9 summarise the department's views. I would point out that under the provisions of the Swan River Conservation Act the consent of both Houses of Parliament is necessary to reclaim any area exceeding 10 acres of the Swan River. It might be considered that a reclamation area of approximately 9.5 acres comes within the spirit of the parliamentary restrictions.

I propose to read portion of a minute from the Commissioner of Main Roads to the Minister for Works. This is taken from Public Works Department file 1636/63, a copy of which is found on Main Roads Department file 122/63. Mr. Leach said—

> The proposals submitted by the Town Planning Commissioner are in accordance with consultations which have taken place between the University and the several authorities and departments concerned. The first purpose of the submission is to clear the way for the transfer of land which will permit a site to be made available on Stirling Highway for a teachers' training college. To do this it is first necessary to tidy up the University boundaries along the north side of Hackett Drive, and to develop the areas in accordance with an acceptable long-range plan. The ultimate long-range plan is referred to in paragraphs 13 and 14 of the submission. The proposals submitted do not encompass the full road requirements which will become necessary in an ultimate plan if a bridge at Point Resolution is constructed. Full consideration of the needs of such an ultimate plan is not necessary at this stage having regard to the immediate purpose of this submission. But it should not be overlooked that in the ultimate development more land than indicated on these plans will be required for road purposes. This will need adjustment of the southern boundary of the road reserve and additional reclamation in the vicinity of Nedlands Baths.

That is what causes me to say that this proposal is not a proposal for a reclamation of 9½ acres; it is a proposal for a reclamation of 9½ acres, plus, of which 9½ acres is the first instalment. That being so this should not be undertaken and, in my view, it cannot be legally undertaken without reference to Parliament. The Commissioner further down in his minute. said—

> (iii) The use of the word "ultimate" under Item 2 of paragraph 32 is ambiguous. Essentially the reclamation of 67,000 yards for park purposes is the first stage reclamation only and with the ultimate road development some part of this area included in the proposed 9.5 acres of reclamation will be required for road purposes.

He finishes up by saying—

> With regard to the matter of a contribution by this Department, it seems to me that Items 1 and 2 on page 4 of the Town Planning Commissioner's submission would be a fair charge against road funds. Although Item 2 refers to first stage reclamation for the National Parks Board, ultimately the greater part of this area will be needed for road works. It seems, therefore, that this Department could be responsible for an amount of £13,475 for this reclamation.

There is further evidence that the scheme of reclamation is considerably in excess of 9½ acres; and the announced 9½ acres is only a first instalment and, because of that, I say again that this proposal cannot be legally undertaken without reference to Parliament.

As we go on we find a reluctance on the part of the Government to trust Parliament in a matter of this kind. The Commissioner of Town Planning naturally is keen to get the project pushed along. A lot of work has been put into it over the years and he wants to facilitate the work of the department and he makes certain suggestions to the Under-Secretary for Works in a minute dated the 6th August, 1964. It reads as follows:—

> Proposed Hackett Drive Deviation
> Exchange of Land between State and University—Reclamation at Pelican Point.
>
> In your Minute of 26th July, 1963, to your Minister you observed that the projected reclamation of approximately 9.5 acres might be considered to come within the spirit of the requirement for both Houses of Parliament to give their consent. I have no record of your Minister's decision. It is one I think which rests with him.

And then the commissioner offers the Under-Secretary for Works, for the consumption of the Minister, certain advice; and then he adds this by way of drawing his attention to certain factors—

> 1. A Teacher's Training College is proposed to be built on the 9 acre site at the corner of Stirling Highway and Hampden Road presently owned by the University. The Principal Architect

may have commenced work of design. Construction may be desired to commence towards the end of this financial year depending on funds being made available.

I interpolate here my idea of the purposes of this. I think it was to emphasise the urgency of the matter and the commissioner's desire to push on. Continuing—

2. Availability of the Training College site depends upon the University agreeing with the State on exchange of land. This in turn involves relocation of Hackett Drive and the 9½ acres reclamation.

3. 9½ acres of resumption, not then specified as to boundaries was agreed upon by Cabinet in 1961 in relation to a similar intended exchange of land with the University but for different purposes.

4. The current redevelopment proposals including the reclamation have been agreed by Swan River Conservation Board, National Parks Board, Nedlands and Subiaco City Councils and the University.

5. If Parliamentary approval to the reclamation has to be obtained, it will set back conclusion of agreement with the University and possibly delay possession of the Teachers' Training College site.

Again, it seems to me the commissioner is concerned that he might be held up with this work and he is naturally anxious to press on. To continue—

6. If such approval is decided to be necessary and it is withheld by either House, it will necessitate some entirely new thinking about the Training College site, the relocation of Hackett Drive and completion of the University's plans. In effect, it would torpedo some co-ordinated planning which all the Authorities concerned have agreed to.

Of course it would; but surely Parliament has that right!

Mr. Ross Hutchinson: I cannot follow you there. The Act lays down 10 acres.

Mr. TONKIN: What about it?

Mr. Ross Hutchinson: These things that were written are perfectly legitimate.

Mr. TONKIN: If the Minister cannot follow me I will read his own minute and see if he can follow that.

Mr. Ross Hutchinson: You have not explained it. It is not without the law; it is within the law.

Mr. TONKIN: What is the point the Minister is trying to make?

Mr. Ross Hutchinson: You are the one trying to make the point.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: I should think so, Mr. Speaker! On the 27th July, which was prior to what I just read, the Town Planning Commissioner, writing to the Under-Secretary for Works, said—

Would you please advise me if the Hon. the Minister of Works approves this reclamation as shown on T.P. Plan 724C. amounting to 9 ac. 0 r. 27.4 perches to enable me to conclude negotiations with the University of Western Australia so that the site at the corner of Hampden Road and Stirling Highway can be made available to the Education Department.

What puzzles me is how this proposed reclamation is referred to as 9.5 acres in all these minutes and subsequently more specifically as 9 ac. 27.4 perches. When the Minister announced it a week or two ago it was only 8½ acres.

Mr. Ross Hutchinson: There is nothing secret about this.

Mr. TONKIN: I did not say there was anything secret about it, but it puzzles me.

Mr. Ross Hutchinson: It is a close reassessment of the acreage required.

Mr. TONKIN: It is a strange thing that in all of the discussions in the various minutes relating to this matter, 9.5 acres should be mentioned and then more specifically 9 ac. 0 roods 27.4 perches. Yet when the public announcement was made we were told it is 8½ acres. I repeat: that puzzles me.

Mr. Ross Hutchinson: It is still the approximate acreage. 8½ acres is closer than 9 acres 27 perches.

Mr. TONKIN: On the 7th September, 1965, the Under-Secretary wrote to the Minister as follows:—

1. I refer you to the minute of the Town Planning Commissioner at folio 27.

2. Included in the proposal is the reclamation of 9 acres of the Swan River and I think that this is essential if the scheme is to be finalised.

3. Under the provisions of the Swan River Conservation Act the consent of both Houses of Parliament is necessary to reclaim an area exceeding 10 acres of the Swan River. I recommend that you approve of the reclamation but I think that the Government should be made aware of the fact that such reclamation will receive considerable criticism.

Mr. Ross Hutchinson: That was appreciated, of course.

Mr. TONKIN: Now we come to the Minister's own minute to the Hon. Premier in Cabinet, upon which the decision was made; and I propose to read the whole of this so I cannot be accused subsequently of taking text out of context.

Mr. W. Hegney: Fair enough.

Mr. TONKIN: I quote—

> The Education Department have advised that it is a matter of extreme urgency that University land at the corner of Stirling Highway and Hampden Road proposed for a Teachers' College be made available by the University of Western Australia as early as possible so that the Principal Architect can call tenders for the building.
>
> 2. The site referred to is one of a number of areas of land concerned in complex land exchange negotiations between the University and the Government Departments which have been proceeding for some years.
>
> 3. I understand that the Vice-Chancellor of the University has indicated that he prefers to have precise information on the proposed terms of land exchange before approaching the Senate in the matter of the release of the actual site for the Training College.
>
> 4. The key to the finalisation of land exchange areas involves the realignment of Hackett Drive between Mounts Bay Road and Broadway, and the southern boundary of this new alignment determines the area of land required to be reclaimed from the River (see chart).
>
> 5. The amount of reclamation involved is 9 acres 0 roods 27 perches. I point out that these re-development proposals, including the reclamation, have been agreed to by the Swan River Conservation Board, the National Parks Board, the Nedlands and Subiaco City Councils and the University.
>
> 6. Under the provisions of the Swan River Conservation Act the consent of both Houses of Parliament is necessary to reclaim an area exceeding 10 acres of the Swan River.
>
> 7. It seems to me that if parliamentary approval to the reclamation has to be obtained it could possibly set back any conclusion to agreement with the University and possibly delay possession of the Teachers' Training College site. It should be noted also that, if parliamentary approval is sought and Parliament rejects the proposal for reclamation, it would mean that there would have to be entirely new thinking about the Training College site, the re-aligning of Hacket Drive and the completion of the University's plans, and in effect would destroy a great deal of co-ordinated planning to which many Authorities have agreed.
>
> 8. Under the circumstances I feel that Cabinet should be informed of this matter, and I seek the concurrence of Cabinet that I should approve of the reclamation work being carried out without Parliament's sanction being sought.

In other words, the Government, with a majority in both Houses, was not prepared to trust Parliament on the matter.

Mr. Ross Hutchinson: That is absolutely unfair of you.

Mr. Hawke: Why?

Mr. Ross Hutchinson: Because it was a statement of facts that I made. The law says that parliamentary approval must be sought when it exceeds 10 acres. I conveyed to Cabinet points for and against and made a recommendation.

Mr. Hawke: Is the Minister prepared to trust Parliament on the issue ?

Mr. Ross Hutchinson: There was no necessity to trust Parliament because the law permitted less than 10 acres.

The SPEAKER (Mr. Hearman): Order!

Mr. Hawke: Bring it here.

The SPEAKER (Mr. Hearman): Order!

Mr. Ross Hutchinson: There was no necessity.

The SPEAKER (Mr. Hearman): Order! The Leader of the Opposition and the Minister for Works cannot carry on a conversation at the same time as the Deputy Leader of the Opposition is making a speech.

Mr. Ross Hutchinson: And the Leader of the Opposition is not in his seat.

Mr. TONKIN: I was thinking that what the Minister for Works might have to say he could very well say when he speaks to the debate.

Mr. Ross Hutchinson: I will have plenty to say.

Mr. TONKIN: I should hope so; there is plenty that you require to say.

Mr. Brand: There is more reclamation to talk about, too.

Mr. TONKIN: Well, talking about more reclamation does not alter the situation that the time has come when Parliament ought to be placed in control of the situation.

Mr. Court: Have you changed your mind on this point?

Mr. TONKIN: No; I have not changed my mind at all.

Mr. Court: Since you were the Minister for Works, I mean.

Mr. TONKIN: Perhaps in due course we will have a speech from the Minister for Industrial Development on this matter so that he can put forward his point of view.

Mr. Court: Knowing your record in this matter I am rather intrigued.

The SPEAKER (Mr. Hearman): Order! The Deputy Leader of the Opposition.

Mr. TONKIN: I wish to make my position perfectly clear, as I have already done publicly on more than one occasion. I am firmly of the opinion that the decision we made in regard to the Narrows Bridge was a bad one for the reason, which I did not appreciate at the time, that it involved further substantial reclamation. If the reclamation involved in the Narrows Bridge itself was to have been the total reclamation, with nothing else to follow, I would be of the opinion that there was nothing wrong with it.

Mr. Court: What acreage was that?

Mr. TONKIN: I think, some 60-odd acres.

Mr. Brand: What additional acres are you talking about?

Mr. TONKIN: All the acres that have to be reclaimed in connection with the building of a roadway from the Narrows Bridge to the Causeway.

Mr. Brand: You knew that at the time. You knew of the plans at the time. Would you deny that?

Mr. TONKIN: No.

Mr. Brand: Would you deny that?

Mr. TONKIN: I would not deny that I have known of the plans which have been submitted, but I would point out that the plans were never approved.

Mr. Brand: That does not make any difference to the claim you have just made.

Mr. TONKIN: Yes it does!

Mr. Brand: You said you would not have approved of the original acreage if you had known what was coming after, and it was there in the plan.

Mr. TONKIN: What was finally involved; and I say it deliberately.

Mr. Brand: I said deliberately it was there in the plan and you knew the reclamation that was to follow.

Mr. TONKIN: This is completely beside the point now, because if I had resumed and been responsible for resuming—

Mr. Brand: Political capital is being made out of it.

Mr. TONKIN: —twice the area that was resumed by our Government, I would still be prepared to bring this Bill before the House, because I am of the firm opinion —and the Premier's attitude confirms it —that he wants to adopt a completely arrogant attitude—

Mr. Brand: Absolute nonsense!

Mr. TONKIN: —and act completely regardless of public opinion, irrespective of the hardening of public opinion against reclamation of the Swan River. So long as he has not a check on what he does, he will go ahead and do it regardless.

Mr. Brand: There is a check; public opinion, if you like.

Mr. TONKIN: I think we have reached a situation where a check has to be imposed. I ask you, Mr. Speaker: What is wrong in a democratic country in submitting matters of vital importance to the Parliament for determination and approval?

Mr. Brand: Nothing whatsoever. We are acting within the law.

Mr. TONKIN: That is what the Bill seeks to do. The Bill does not seek to limit the Executive, the Government. It will not prevent it from approving schemes and proceeding with them; what it will do is to say that so far as the river is concerned there shall be no future reclamation until Parliament is told about it and approves of what the Government intends to do. As a democrat, I see nothing wrong with that procedure.

Mr. Brand: When your Government, on your recommendation, approved of this very scheme of reclamation, did you intend it to come here?

Mr. TONKIN: I will correct the Premier: We did not approve of this scheme at all.

Mr. Brand: The reclamation.

Mr. TONKIN: What is more, this scheme is not substantially the scheme we approved, either.

Mr. Ross Hutchinson: The reclamation, then.

Mr. Brand: We are talking about the reclamation.

Mr. TONKIN: Let us be specific.

Mr. Brand: I am not asking about where the teachers' college is going, but about the reclamation. You are making a great deal of political capital out of it.

The SPEAKER (Mr. Hearman): Order!

Mr. Hawke: I do not think the Premier should turn his back on the Speaker, either.

Mr. TONKIN: It is clear, when the Minister for Works interjected that I was being unfair, that the Government avoided bringing this proposal to Parliament, and I say it was legally bound to do so.

Mr. Brand: Yours is a legal opinion.

Mr. TONKIN: That is my opinion.

Mr. Brand: That is the end of it.

Mr. TONKIN: I am entitled to my opinion.

Mr. Brand: You always have it, too.

Mr. TONKIN: What is more, I am entitled to give expression to it—

Mr. Brand: That is right.

Mr. TONKIN: —although the Premier might like to stop me.

Mr. Brand: Go on and have a hundred opinions!

Mr. TONKIN: It is obvious from the minutes, which appear to be getting under the Premier's skin, that the Government wished to avoid consulting Parliament in connection with this matter because of the possibility of Parliament not agreeing. Suppose we follow that procedure with other matters.

Mr. Ross Hutchinson: I said under all the circumstances.

Mr. TONKIN: I have in mind an occasion when the Minister took advantage of legislative power to set an Act of Parliament aside.

Mr. Hawke: For sure.

Mr. Ross Hutchinson: This was within the law. This is irrelevant to the position, but I was perfectly within my right as Minister.

Mr. TONKIN: In further evidence of the amount of reclamation proposed—

Mr. Ross Hutchinson. You have no legal ground to stand on at all.

Mr. TONKIN: —there is the minute, dated the 15th March, 1961, of the Registrar of the University who, in writing to the Minister for Education, said—

> It is noted with appreciation that the Government, for its part, will on request by the University when the University is ready to develop the area—
>
> (i) return the three acres of land at the south of the Crawley site transferred by the University to the Education Department in 1954; and
>
> (ii) proceed with the proposed reclamation of at least 9.5 acres of land from the river south of the University campus and will transfer not less than nine acres of land to the University.

So it seems to be well established that as the law stands, if the Government is anxious to proceed with reclamation, it can proceed to reclaim any area by reclaiming it in instalments and not refer the matter to Parliament at all, even though in the ultimate the reclamation might involve hundreds of acres.

Mr. Ross Hutchinson: As Minister, I could not possibly be party to it, and I am sure the Government would not be.

Mr. TONKIN: Your minute does not support you in that view.

Mr. Ross Hutchinson: That is nonsense!

Mr. TONKIN: There is a clear suggestion from the Minister's own under-secretary that it might be considered that within the spirit of legislation, 9.5 acres being so close to 10 acres, Parliament should be consulted.

Mr. Ross Hutchinson: This is a logical thing for an under-secretary to bring to a Minister, and I took it to Cabinet; and, under all the circumstances, the law not requiring it, and the necessity for urgency, we decided to proceed. Could anything be more honest?

Mr. TONKIN: I will go further. Not only was it a logical suggestion from the Under-Secretary for Works, but it was a right, proper, and commendable suggestion, which found no favour with his Minister.

Mr. Ross Hutchinson: That inference is just foolish.

Mr. TONKIN: That is not an inference; that is a statement.

Mr. Ross Hutchinson: The statement is foolish, and that makes it worse.

Mr. TONKIN: The obvious thing is that the Minister did not act upon the suggestion that it was within the spirit of the legislation, and that it be referred to Parliament. He pointed out to Cabinet that this was a procedure which would cause delay, and he recommended that Cabinet approve without reference to Parliament.

Mr. Ross Hutchinson: The critical figure was 10 acres.

Mr. TONKIN: At the time. Does the Minister deny that if this scheme is proceeded with it is inevitable that further reclamation must take place?

Mr. Ross Hutchinson: I do not know; I do not think it is necessary at all.

Mr. Hawke: The Minister should know.

Mr. TONKIN: It is in the report, which has been approved by the various Ministers.

Mr. Ross Hutchinson: This is not so.

Mr. TONKIN: Yes it is so.

Mr. Ross Hutchinson: Not in any further plan about the bridge at Point Resolution.

Mr. TONKIN: I have said nothing about the bridge at Point Resolution. I am talking about the statement of the Commissioner of Main Roads that further road construction would be necessary because a dual carriage way would be required to be constructed, and he would be obliged to use part of the initial reclamation of 9.5 acres for road works, and therefore it must be regarded as a first instalment of the reclamation.

Mr. W. A. Manning: Didn't he qualify that with "if" and "when"?

Mr. TONKIN: No.

Mr. Ross Hutchinson: Changes have been made since that time.

Mr. TONKIN: I had better read this again so there can be no doubt about it. I quote from the Commissioner of Main Roads to the Minister for Works under date, the 20th August, 1963—

> The proposals submitted by the Town Planning Commissioner are in accordance with consultations which have taken place between the University and the several authorities and Departments concerned.
>
> The first purpose of the submission is to clear the way for the transfer of land which will permit a site to be made available on Stirling Highway for a Teachers' Training College. To do this it is first necessary to tidy up the University boundaries along the north side of Hackett Drive and to develop the areas in accordance with an acceptable long range plan.

Mr. Ross Hutchinson: You must look forward; we are not always going to stay the size we are.

Mr. TONKIN: To continue—

> The ultimate long-range plan is referred to in paragraphs 13 and 14 of the submission. The proposals submitted do not encompass the full road requirements which will become necessary in an ultimate plan if a bridge at Point Resolution is constructed. Full consideration of the needs of such an ultimate plan is not necessary at this stage having regard to the immediate purpose of the submission, but it should not be overlooked that in the ultimate development, more land than indicated on these plans will be required for road purposes. This will need adjustment of the southern boundary of the road reserve and additional reclamation in the vicinity of Nedlands Baths.

Of course, at the end of the minute, we get further confirmation of that point because he says—

> Although Item 2 refers to first stage reclamation for the National Parks Board, ultimately the greater part of this area will be needed for road works. It seems, therefore, that this Department could be responsible for an amount of £13,475 for this reclamation.

The commissioner agreed to make that sum of money available in the knowledge that the bulk of the reclamation to be carried out, although not required immediately by his department, would ultimately be used by his department because further road works would be carried out, and so he agreed to make a payment in anticipation that subsequently he would get value for his money. I submit he would not be likely to have done that if he felt there was any likelihood that this was not just a first instalment of the plan, but the complete plan, and nothing would be added subsequently. It does not make sense to me.

The Bill proposes to go only a little further than what Dr. Hislop had in mind when he asked another place to insert this proviso in the Act. Perhaps it is as well to remind the Premier that it was a supporter of his own party in another place who felt the need for Parliament to have control over river reclamation. It was in his mind at the time to provide that no reclamation exceeding five acres should be undertaken, but he deferred the taking of such action because of his knowledge that at the time reclamation exceeding that area was proceeding and would, necessarily, be stopped.

We on this side of the House, whilst admitting our responsibility for the reclamation we carried out, and making no excuse, but an explanation for it, are of the opinion that the time has certainly come when the river should be placed on the same basis as an "A"-class reserve. It is a play area for our people. Hundreds of them enjoy yachting on the waters of the Swan. There are other areas where they enjoy crabbing, prawning, and swimming. The river is a beautiful setting for the city. Knowing full well how easy it is to meet the requirements of people who want additional areas of land by filling up the river and providing it, I think we should establish a situation where such a move cannot go unchecked, but that Parliament should be advised on what is proposed each time.

Mr. Gayfer: Could I ask you a definition of "reclamation"?

Mr. TONKIN: Yes, the member for Avon could; but I would not guarantee that my definition would be the dictionary definition. However, I will give mine. It means the filling in of portions of the river which at present are water and which subsequently would be made land. Where a Government proposes—and I am not stating that it is my opinion there could never be instances where some filling in was not justified—

Mr. Ross Hutchinson: Are you sure?

Mr. TONKIN: Yes; but Parliament is entitled to be told about it and the case supported, and if Parliament were satisfied that the filling in was justified, it would not stop the work. But I would remind the Government that when it proposed the reclamation of 19-odd acres last session it rushed the Bill into the House in the dying hours of the session.

Mr. Ross Hutchinson: Latitudinal talk!

Mr. TONKIN: The Government refused to delay the Bill, even though we gave an assurance that, if a committee were set up by Parliament and approved reclamation in the recess, the Government should proceed. The Government would not even take the risk on that.

All we asked at the time was that the proposal should be examined by a committee representative of Parliament, and if that committee was satisfied that the scheme should proceed we would give authority beforehand for the work to go ahead. We were told that it was a matter of such great urgency that that time should not be provided, and yet months went by before the work actually started, which proved there was ample time for Parliament to have had the opportunity which some members requested, if the Government had seen fit to grant it. Its attitude on that occasion was the same as its attitude now. It will avoid seeking the approval of Parliament if it can get round it any way possible.

I suggest, and the Minister for Lands ought to be impressed by this argument, that if it is necessary to bring every "A"-class reserve proposal—and I repeat, every proposal, even if it is only to use a square foot of it—to Parliament, what is wrong with adopting the same attitude towards any reclamation of the Swan River? That is all I ask. So the Bill seeks to alter this proviso, provided no resumption or filling in of any portion of the river shall be undertaken without reference to Parliament.

If agreed to, it would mean that, in future, the people would know what was proposed, and if debate was to take place in Parliament on it, they would have ample opportunity to express their view before the proposal became an accomplished fact and members of Parliament, in the light of the opinion of their constituents, would be able to make a determination. Surely, if we can justify our claim to being a democracy, Parliament and the Government should take some heed of public opinion.

We are not here to represent ourselves; to act from time to time completely upon our own point of view. We are sent to Parliament because all the people cannot come here themselves. So they elect representatives to express their point of view and to act for them. But if matters are not brought to Parliament; if they are decided by Executive Government which is avoiding an adverse decision in Parliament, the people whom we represent are denied their opportunity to express their point of view and to have some heed taken of it.

Whilst this Bill in no way prohibits a Government from proceeding with justifiable schemes, if carried, it will ensure that such schemes must be properly publicised and dealt with in both Houses of Parliament and the approval of the representatives of the people obtained thereto.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Works).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Council's Message

Message from the Council notifying that it continued to disagree to the amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

The CHAIRMAN: The amendments requested by the Assembly which the Council declines to make are as follows:—

No.1.

Clause 2, line 6—Delete "twenty" and insert "ten" in lieu.

No. 2.

Clause 5, line 32—Delete "twenty" and insert "ten" in lieu.

No. 3.

Clause 15, line 9—Delete "twenty" and insert "ten" in lieu.

No. 4.

Clause 18, line 9—Delete "twenty" and insert "ten" in lieu.

No. 5.

Clause 18, line 15—Delete "twenty" and insert "ten" in lieu.

Mr. NALDER: The Legislative Council continues to disagree with the amendments made by this Chamber. I do not think there is any necessity for me to cover the same ground again because it has already been covered twice in this Chamber and I move—

That the Assembly continues to insist on its amendments.

Question put and passed.

Report

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

ANNUAL ESTIMATES, 1965-66

In Committee of Supply

Resumed from the 2nd November, the Chairman of Committees (Mr. W. A. Manning) in the Chair.

Vote: Legislative Council, £20,039—

MR. GAYFER (Avon) [9.43 p.m.]: This great honour has been thrust upon me a little sooner than I expected. The first matter I would like to deal with under this heading is that of sheep stealing in this State. I had hoped I would have more information at my disposal which I could give in answer to the questions that have been raised on this matter. However, let me say that a figure of 5,000 sheep reported stolen in Western Australia in the first eight months of this year, as against 7,000 for the whole of 1964, and 4,000-odd for

1963, is reaching alarming proportions, and a stage where farmers and graziers are offering large rewards for any information that will lead to those persons who are responsible for the theft of their sheep. The police have made valiant attempts to investigate these thefts. The people who have lost sheep are placed in a quandary; they have tried to assist the police to find where the sheep have gone to; but are at a loss to suggest where the sheep might ultimately be headed.

Many theories are advanced in respect of this matter. Some people say that on a moonlight night, by placing a tarpaulin over a barbed-wire fence, and spreading it on the ground, a single-deck truck could back into that fence. The sheep could be brought in with a dog. Anybody who has handled sheep with a dog will realise this can be done. The sheep could be brought in and muscle drafted, which means catching the sheep by hand and throwing them into the flat-deck truck. Fifty sheep, which is the common number to be stolen at one time, can be taken by this means.

Much conjecture takes place, and some say that farmers are purposely losing their stock, are sending the stock to market, and are attempting to evade taxation. The opinion is also expressed that farmers lose their stock through poison and holes in their fences, and that in general they do not know in reality where the sheep have gone. I can assure members that even the police after investigations are assured that many of the sheep lost have in fact been stolen from farms.

Mr. Toms: Does that apply in specific areas?

Mr. GAYFER: I have not asked for details of the areas involved, but suffice it to say a special branch of the police is investigating thefts in several areas at the present moment, and the police are perplexed as to what goes on. A few ideas have been put forward. In view of the fact that I have lost some animals off my property, I have worked with the police and have watched the way in which they have tried to determine where the animals have gone. Firstly they go around the boundary completely. In many cases there was no evidence of any damage to the fences, and the gate was closed. But the gate could have been opened and a vehicle could have gone in without leaving any evidence, especially if rain fell soon after the time the vehicle went in. The rain would wash away the wheel tracks.

The police then go around to the neighbouring properties to inspect the flocks. They question the neighbours, and then they go into the town and question the carriers. They carry out all possible investigations to determine where the sheep have gone. They also camp on the roadside in their vans, and watch what goes on. They are at the ready to apprehend people engaged in the illicit trade in stock that seems to be going on.

It is very difficult to catch up with those concerned with sheep thefts. When people see a truck in a paddock and a couple of men rounding up a mob of sheep with a dog, in 99 cases out of 100 the people would continue on their way not thinking there was anything extraordinary going on. That happens, because very frequently people see trucks and utilities around mobs of sheep in paddocks. On one occasion the police officers camped alongside a main road in a police van; this was beside a paddock where there was a mob of sheep. Not one vehicle stopped to question what they were doing there.

Sheep thefts have reached alarming proportions, but where the sheep go to I cannot hazard a guess. I cannot say whether they are skinned and the pelts sold; whether the carcases are melted down or buried; whether they are agisted somewhere else in the State; or whether they go through to Midland Junction or some other disposal point. There are no records to indicate that any of the stolen sheep from the agricultural areas have gone through an avenue or a market that is known.

What can be done about this problem? It is evident the police are stymied, because there is no evidence to enable them to make a charge. It appears to me that perhaps the branding of sheep is done by an incorrect method. The earmarks are registered, and each owner has a distinctive mark. There is nothing to prevent an earmark from being altered or overmarked. There is nothing in a wool brand to indicate that it will still be on the animal when it is shorn. In fact, there is nothing to stop the ear of an animal from being cut off completely, or disfigured. Some members in this Chamber, who were shearers formerly, would know that it is a delight on some occasions for an earmark to be taken off accidentally.

Mr. Brand: It is more than a coincidence that 50 sheep go off at one time.

Mr. GAYFER: It is. On the other hand it is possible to overmark an earmark, but it would be a little more difficult to alter the identification if the animal was tattooed on the nose. It is very difficult to over-tattoo a tattoo.

Mr. W. Hegney: The Deputy Premier would know all about tattoos.

Mr. GAYFER: It is possible for a tattoo mark to be made on the nose of an animal with a different colour and with different initials. That marking would remain on the animal forever.

Another means is to introduce log books. When sheep are transported in this State a log book should be carried by the driver of the truck, to indicate where the sheep come from and their destination. In many cases the sheep could be going from a saleyard to a farm. There is no reason why

the selling agent could not verify that the sheep are going from his yard to the property of the purchaser.

It would not be impossible for people sending sheep by carriers to the city to fill in a log book. A responsible person, such as the manager or a person working on the property, could verify that the sheep were being loaded from a certain point and destined for another point. I am aware that forgery could be perpetrated, and there are other ways to get around the law, but the necessity for carrying a log book would be a deterrent on those who pick up sheep and cart them away, hoping to get through without detection. At least they would be aware of the fact that they could be stopped, and be requested to produce their log books.

In one piece of legislation which was passed yesterday trucks of over eight tons will in the future be required to pay a road tax, and for that purpose they will have to carry a log book. There is no reason why stock which is moved in Western Australia should not be covered by a note to indicate the ownership of the sheep. At the present time there is no law to compel the driver of a truck to carry any document at all. That is wrong, in my view. When I cart a load of sheep to Midland Junction, I only have to say they are my sheep and I stand by it. At the present time I can take sheep to places like Albany, and no-one can stop me. Some form of log book should be kept to indicate the ownership of the sheep being carted.

At the present time the position is too loose. We see many types of trucks—flat-decked, double-decked, and treble-decked —carting sheep. Nobody knows the ownership of the sheep. In all the years that I have been carting sheep to the metropolitan area I have not been stopped by a police officer, nor have I ever been asked whether the sheep were mine. I realise there are police officers engaged in the detection of sheep thefts, but in all the years no-one has ever asked me about the sheep I have carted. I am not aware of any occasion when any member in this Chamber has been stopped by a police officer, while he was carting sheep. Something should be done to keep the stock in the hands of the rightful owners.

Mr. W. Hegney: Has the Farmers' Union put up any proposals?

Mr. GAYFER: I am putting up these proposals.

Mr. W. Hegney: Has the Farmers' Union put up any proposals?

Mr. GAYFER: I am not speaking for the Farmers' Union. I am speaking for myself. Along the country roads in recent times notices have been put up—and these are not so far apart—to indicate that the picking of wildflowers is prohibited. I compliment the Minister for Lands, who is responsible for these notices, on this step. Similar notices should also be erected to indicate that sheep-stealing is highly illegal and is punishable by large fines. I am told that the penalty for sheep-stealing is seven years, but I do not know the last occasion when an indictment was made. Much more publicity should be given to this matter.

There were 5,038 sheep stolen or reported stolen in eight months of this year. This represents a heavy wad of money. One might say that number includes many sheep which have not been stolen. I would like to point out that many sheep which have been stolen are not reported as having been stolen, because there is no avenue at present to recover them.

Whilst I compliment the Police Department on the efforts it has taken to prevent sheep-stealing, I am bringing forward the suggestions which I have made to prevent people from entering a paddock which is far removed from a homestead and taking away stock which do not belong to them. It is not difficult on a moonlight night to go into a paddock, park the truck near a clump of trees, and round up a mob of sheep with a dog. This could be done by two men.

The people concerned in such thefts would hear an approaching vehicle when it was miles away. There is no reason for the lights on the truck to be switched on. In fact, they would not be, because sheep would not go near a lighted vehicle. On a moonlight night it would not be difficult for two men to manhandle 50 sheep into a truck. They could back the truck right up to the fence and put a race down; but at night it is very difficult to drive sheep through a narrow race. It is easier to catch them and place them on to the truck.

The police are baffled by what is going on. That being the case it is time that the penalties for sheep-stealing were increased, or alternatively that action was taken to notify the public that the police are aware that sheep-stealing is going on, and that greater penalties will be imposed in the near future.

We must realise that these sheep are not just around the corner but have, in fact, disappeared from the holdings when we know that farmers are prepared to offer a reward for information leading to the recovery of their sheep. One farmer at Tambellup offered £700 reward and another at Pingelly offered £300.

Recently I asked the following questions of the Minister for Industrial Development:—

(1) Is the Wundowie Charcoal and Iron Industry interested in the timber on Avon Locations 27701, 27702, 27703 (being portions of what is known as the "Inkpen Estate")?

(2) How many loads of interest to the industry are remaining on these areas?

(3) When is it expected this land will be cut over and available for the Lands Department to release for agricultural purposes?

The Minister replied to (2) that there were approximately 19,000 loads. If my calculations are correct, a load is about 50 cubic feet weighing 33 cwt. I could be corrected if I am wrong. That would mean there was 950,000 cubic feet of timber or 1,500,000 tons of timber. He also replied that even though this amount of timber was remaining on this land, the blocks were at present still under discussion.

I asked those questions for a purpose. Those blocks in my opinion are carrying little or no timber. The following is a letter from the Minister for Lands in connection with the blocks:—

> I have recently discussed the need for the earliest possible release for agricultural development with the Minister for Industrial Development, the Hon. C. W. Court, O.B.E., M.L.A., but am not in a position to give definite advice at present.

That led me to ask how much timber was remaining and why the land was still being held. Having received the answers, I asked a friend of mine who is a neighbour of this area, to ride out on horseback to have a look at the blocks which were supposed to be carrying 1,500,000 tons of timber. With your permission, Mr. Chairman, I will read the letter as follows:—

> I thank you for your letter of the 10th September and advise that I purposely delayed my reply pending a more careful and detailed study of the Lands applied for.
>
> This was in view of the Minister for Industrial Development's answer to your question asked in the House on Tuesday 7th September, 1965, which quite frankly amazed me.
>
> I have now ridden completely over the areas in question, i.e.—
>
> No. 1. Loc. 27702 Comprising 694 Acres,
>
> No. 2. Loc. 27701 Comprising 489 Acres,
>
> No. 3. Loc. 27703 Comprising 292 Acres,
>
> and feel sure that the Minister's reply to your question No. 2 that is—"That there yet remained approximately 19,000 loads of timber of interest to the Wundowie Charcoal and Iron Industry on these areas"—was a figure arrived at mathematically rather than an individual location assessment, as in my humble opinion there is in fact a negligible amount still remaining on any of the above mentioned blocks of interest to the industry.
>
> As you are aware all these areas were originally part of the "Berry Brown Estate" and were at one time fenced to run stock. Such was the case. Clearing was undertaken and ALL large timber was either cut down or ringbarked, so that all the remaining trees are little better than large saplings (there being very few trees larger in diameter than 9 inches) together with Blackboy, a few old dead trees and hundreds of stumps. In view of this I feel that Wundowie would not be interested in these locations as stated by the Minister, whereas they would be in blocks such as 27713-27717 which still have large tracts of standing timber because clearing was never undertaken in earlier years.
>
> My assessment of each individual block is as follows:—
>
> Location 27702—Comprises mainly small Whitegum trees little larger than a sapling with the isolated Red Gum together with the usual Blackboy, Jam trees plus numerous stumps.
>
> Much of this country could be brought into early production because of its easy clearing.
>
> Location 27701—This area comprises approximately 65 per cent. light sandy soil, subsequently the majority of timber is banksia, blackboy and scrub. There is a small amount of sapling type white gum on a ridge which runs from North to South on this block.
>
> Because of the light timber this location could be cleared by light machine and brought into early production with the use of trace elements.
>
> Location 27703—In the main nearly all mallee and sapling type of timber with the usual blackboy, odd dead tree, together with hundreds of stumps. This block was also the subject of the timber cutters axe many years ago.
>
> There are large areas of granite conglomerite gravel with very little arable land and would only be suited for grazing.
>
> In conclusion I advise that I went to particular trouble to set out the facts as they are and I earnestly declare they are free of any exaggeration on my part. I am sure that an investigation by the Lands Department would only verify them and prove this information to be correct, and lead to an earlier release date of these blocks for rural activities.
>
> In doing so I feel sure that the West Australian Government would derive far more monetary value from them, rather than waiting for the turn of the century for the timber to reach sizeable proportions.

I make a point of this because on this estate there seem to be large tracts of country which the Minister for Lands is prepared to release but which are being held, in fact, by the Minister for Industrial Development in connection with Wundowie interests. I do not say that the motive in keeping land for timber is wrong, but I do say that when the land is finally cut over and settlers are desirous of acquiring the land, it should be released for agricultural purposes as indeed was the original intention of tribunals and others in years gone by.

This particular gentleman is not necessarily the one who will finally acquire any of these blocks, because it is well known that when they are released for agricultural purposes, they are allocated by the land board. However this gentleman is most interested because he considers himself still young enough to be able to clear the land should he be successful in obtaining one of the blocks.

Recently I received notification from the then Assistant Minister for Railways that it was contemplated to close the following sidings—

Kauring
Mackies Crossing
Gwambygine
Edwards Crossing
Youraling.

These are all within the electorate of Avon. The reason for the suggested closure of these sidings is that the amount of traffic catered for at them has been on the decline in previous years. One must feel sympathetic with the Railways Department which is trying to speed up its trains between the major centres of A and B and to cut out all these short stops, which would not be paying propositions.

However in the light of the figures which have been given to me it is obvious that the sidings have not been completely disused by the farmers. I would therefore make a personal plea to the Minister to have another look at the matter before the axe falls. I make this plea because in the Avon where these sidings are situated there has been a tendency over the last four to six years to increase the number of stock instead of selling the large number of sheep as before.

It is well known that in this area which used to carry up to one sheep an acre the figure now is four and five sheep to the acre. However, it is not possible to procure sheep these days in large numbers in order to stock up quickly, and on this matter I can talk with some authority. The sheep therefore must be bred on the property; and in this area, which has been settled for many years, this has been the practice of the owners. In the past when a ewe reached the stage when it had no teeth left it was usually sent to the market and eventually found its way to the butcher's shop.

A member: As lamb!

Mr. GAYFER: Now the sheep have their teeth pulled out and the animals are then retained on the property until they die. As long as they can rear a lamb they remain on the property.

Mr. Evans: Unless they are stolen!

Mr. GAYFER: Yes. The point I am trying to make is that because of this trend, instead of the large quantities of animals which were sent from these sidings years ago, the animals are now being retained for breeding purposes.

Another point to which I wish to refer is the top dressing of land with superphosphate. This is not a new practice. Indeed it has been carried on in the Avon area for many years. However it is a practice which is becoming more and more established and is being adopted to a much greater extent now than before. Whereas previously 60 lb. was the amount which was applied per acre, now 180 lb. is not an uncommon figure. Consequently more super is required and more still will be necessary as farmers get used to the idea. The contractors, including the aerial firms, are being called in in increasing numbers each year in order to take delivery of the super in bulk from the railway siding and to spread it in bulk. In this way the farmer does not handle any of the bags himself.

This popular method of spreading super is possible only if there is easy access to railway sidings; and I feel sure that in the event of certain railway sidings being closed a serious jam will occur at those sidings which may be left open for the purpose of allowing superphosphate contract spreaders to have access to railway trucks. It has also been the Government's verdict to ask superphosphate companies to build two depots as a prototype at two sidings in Western Australia; and I presume in time those depots will become commonplace If this does happen then super will probably be taken direct from those depots but in the meantime the farmer is completely reliant on the small sidings where the trucks are shunted off and he is able to get his super more or less on the spot as he requires it.

I can speak with some personal feeling and experience in regard to this matter and I am sure that if the true facts regarding the productivity of the area between Brookton and Corrigin were made known, or had been known prior to that particular line being closed and pulled up, it would not have ceased to function. I can say that it would be only a very average property in that area that would not have increased its production at least twofold in the last 10 years—and I include in "production" stock, sheep, wheat, and grain generally—and naturally the farmers there have had to increase considerably their requirements for such things as super to enable them to increase their productivity.

Therefore I believe no quick or hasty step should be taken to close the sidings in these older established areas without a searching inquiry being made into the advances that are taking place in those districts, particularly in stock setting. If the sidings are closed I am sure that in most cases it will be to the detriment not only of the farmers in the districts concerned but also in later years to the Government. The loops are in good order—I have inspected all of them—and they are well ballasted. If one of the costs that the Government does not like facing is the rehabilitation of the ramps then I say get rid of them. If the maintenance of the waiting sheds is a problem to the Government, bulldoze them down; but for Heaven's sake do not lose sight of the advantages the loop lines give to the farmers in the areas concerned.

These lines may play an even more important part in the light of the new road tax. Farmers may have to use the railways more to transport their superphosphate from the city, and I think the Minister would be well advised to have another look at the position before a final decision is made. I think he is well aware of the fact that I have had many letters on this subject from farmers who use those sidings, and I could take him on a personal tour of these properties to meet the people concerned who would substantiate my statements. In time tremendous numbers of stock will be going out of these areas, although they are dormant at the moment, because stock numbers are building up and it will not be long before the farms in those districts will become great stock producers.

I think the Minister knows from personal experience the amount of superphosphate which is being used each year. The amount used is increasing and is reaching staggering proportions—frightening proportions, when one has to pay the bills for it! However, the farmers concerned hope that in the future their pastures will have been improved to such an extent that the carrying capacity of the land and the returns which they receive from it will justify the costs involved.

MR. NORTON (Gascoyne) [10.20 p.m.]: The Premier has introduced an all-time record Budget for this State, one which has exceeded the £100,000,000 mark, the increase over last year being £10,919,491, which represents a percentage increase of 12.12 per cent. Likewise, the estimates for the north-west have also been increased and compared with last year there is an increase of £188,197, which represents an increase of 3.24 per cent. However, although there is an increase, it is nowhere near in line with the increase in the Budget for the rest of the State. It is hard to see why an area like the north-west, which is developing so rapidly and needs so much money spent on it, should have such a small percentage increase when compared with the Budget for the State generally.

If the Budget for the north-west had been brought into line with the Budget for the rest of the State this year there would have been an increase of £529,288 as compared with the actual increase of £188,179. However, to make things worse, the people in the north are now faced with an added tax on motor transport. Not only will they have to pay that increased tax but they will also have to pay additional air fares, which have been increased by six per cent; a 10 per cent. increase on cartage rates, with probably another 15 per cent. in the near future; increased shipping rates, as well as increased motor vehicle registration fees, and so on. All these increases add to the burdens of the people in the north; yet we find that on a percentage basis the Budget for the north, as compared with the rest of the State, has been reduced this year. That is not a very bright outlook as far as I am concerned.

I have one suggestion which I would like to put to the Minister for the North-West and it is one to which I think he will probably agree; but whether it will be put into effect I do not know. As the Minister well knows, the Public Works Department, and particularly its engineers, have as much as they can cope with in carrying out their present jobs without taking on any other major works. The resident engineer in Carnarvon is responsible for an area extending from Shark Bay to Wyndham, which is far too big for any one man to handle. If he does not get some relief he will probably have a breakdown if he is not careful. We have seen this happen before with Public Works Department engineers and with the Main Roads Department engineers. Therefore anything that can be done to provide more engineers for the north to give them some relief will be to the State's benefit. They are doing a marvellous job and they certainly need some assistance.

The suggestion I want to put to the Minister is this: that the Public Works Department set up a special section to investigate all rivers south of the 20th parallel and north of the 26th parallel. This is in line with something the Minister said when speaking to a motion I moved earlier in the session regarding the development of the Gascoyne River. I would suggest an engineer well versed in the construction of dams or weirs on rivers be employed and that he be assisted by a geologist and a soil conservation officer. The Minister, when speaking to the motion I moved, said that the rivers north of Carnarvon would very shortly have to be investigated from the angle of water conservation because of the number of industries which are being established in those areas. He also said—I think on four occasions during

his speech—that any information which would be obtained from an investigation of the Gascoyne River would be the key to the position with other rivers.

Therefore, if he could appoint a team such as I have suggested, with a reasonable number of men to assist it and it completed an examination of the Gascoyne River, he would be able to apply the evidence obtained to such rivers at the Ashburton, the De Grey, the Minilya—if it is considered good enough—the Lyndon, and so on. There is also the Fortescue River, and the engineers would naturally examine the possibility of constructing earthworks or dams on these various rivers.

The geologist, of course, would be able to advise regarding the suitability of the country where it was proposed a dam might be established; and probably one of the most important men in the team would be the soil conservation officer, who would be responsible for surveying all the catchment areas and making recommendations regarding rejuvenation and regeneration of vegetation which in many cases is sadly lacking at the moment. In fact, there are large areas in the Gascoyne which are so badly eroded that it is doubtful if they could ever be brought back to their original condition; in fact, they are in a far worse condition than areas in the Kimberley.

Mr. W. Hegney: Through overstocking.

Mr. NORTON: That has been largely responsible for it, and there is also a problem with the dying out of the natural timbers. That is the first indication of the country turning into desert, and this has been the experience throughout the world.

Where this sort of thing occurs immediate steps should be taken to discover the cause and to rejuvenate the country. Under the amendment to the Land Act pastoralists are responsible for the maintenance and good conduct of the country for which they hold leases, and it is necessary that soil conservation officers be made available to give them advice on how to carry out such work. If we could establish a team such as I have suggested —a specialised team—these improvements will probably be brought about much quicker and easier with greater satisfaction not only to the people concerned but also to the Government and members representing the district.

I must make it perfectly clear that I have no complaints about the engineers who have been and are now working in the area, but they are given too much work to carry out. In fact some of them have very little home life at all. Now it seems to be a habit with most senior civil servants to establish their homes in the city and work from there.

I do not blame them for that, but I think all north-west departments and their representatives should be stationed in the north-west, so that they can move from north to south and from south to north, wherever they are required, at the minimum expense and in the shortest possible time.

The administrator has been stationed in the middle of the north-west so that he can move about freely, and I have been advocating for many years that senior officers in the departments connected with the north-west should also be stationed there. The officer in charge of the Department of Agriculture, or that section of it relating to the north-west, should be stationed in the north, so that he knows exactly what is going on and the men he requires to carry out the work in these various areas.

Another suggestion I wish to make to the Government—and it is one I made a few years ago—concerns the care of the aged in the larger country areas and, for my part, particularly in the north-west. Some of these old people have been in the districts concerned all their lives. They have given their best throughout the years for the development of the country, and have generally done a really good job.

When they reach the age of retirement, and are too old to work, they still wish to remain in the district in which their friends are. The majority of them have neither kith nor kin, and are more or less on their own. It is when they become sick and unable to fend for themselves that their problems really start. These problems are felt not only by the people themselves, but also by the Medical Department with respect to hospital accommodation.

My suggestion is that at all large country hospitals two wards should be built for the aged people, where they can be admitted and looked after in a fashion similar to that experienced at Sunset, Mt. Henry, or a similar home.

Generally speaking, most of these people have a reasonable place in which to live. They live on their own. At Carnarvon there are quite a few female pensioners who are doing this; and one or two of them are living outside the town more or less on their own.

It is when these people take ill that the problems start. They might perhaps enter the hospital for a minor stroke, or an attack of influenza, or a severe ulcer on the leg, or something similar, from which it is possible they might recover in the general sense, though they still require a certain amount of nursing before they are brought back to complete health. Many of them, of course, never regain complete health.

These people enter the main wards in the hospital, and they have been known to stay there for two years and upward

They do not leave the hospital at all during that time. The reason for this is that they have neither kith nor kin, nor anybody else to look after them as they should be looked after when they are discharged from hospital. So, in their own interests, it is found necessary to keep them in hospital wards and to care for them as they should be cared for, rather than discharge them and let them look after themselves.

If the type of ward I have suggested were attached to a hospital it could be run at about the same cost as an ordinary home for the aged. This has been proved in Queensland, where these types of wards are attached to larger hospitals. With the establishment of these wards there would be no need for extra kitchens or any other domestic conveniences, because these would already be in the hospital set-up. It would not even mean an increase in the staff, though possibly an extra wardsmaid or a nursing aide, might be required. By and large, however, the staff at the hospital would be able to comply with all the requirements of running a ward. The kitchen would already be there to cook the food and supply it to the wards.

When one looks at the cost per bed of running a hospital these days, one finds it is absolutely staggering. I have taken some figures from the Medical Department's annual report for 1963 regarding the cost per day in hospital. The schedule in this particular report also gives the cost of bed days at the Home of Peace. I take it that the Home of Peace would be quite a good institution from which to arrive at an average cost. In regard to the cost of bed days at various hospitals throughout the State, under the heading "Maintenance Expenditure per Occupied Bed Per Day," we find that the figure at the Albany Regional Hospital is £8 10s. 5d.; at the Bunbury District Hospital, it is £4 19s. 11d.; at the Carnarvon Hospital, it is £6 12s. 7d.; at the Derby District Hospital, it is £10 14s. 3d.; at the Williams District Hospital it is £5 15s. 8d., while, at the Warren District Hospital, it is £4 14s. 5d. The cost per bed day at the Home of Peace is £2 6s. 7d.

It can be seen, therefore, from these figures that even if the cost per bed per day in the wards I have suggested were increased by £1 per day, it would make the figure £3 6s. 7d.; and the Government would be well and truly in pocket if it adopted the suggestion of attaching wards to the various hospitals throughout the country.

It is something well worth looking at. When one considers the weekly costs one finds they are quite considerable. That of the Albany Regional Hospital runs to £59 13s. 11d. If we can give these people as good a service, or a better service, by attaching such wards to the hospitals in question, we will be saving money and doing something which is really worth while.

We had an opportunity a few years ago of seeing something like this in operation at Carnarvon, because when the new hospital was built the old hospital building was retained, and two wards in that hospital were used for the hospitalisation of elderly people. It was surprising to see how much they enjoyed being in those particular wards. They were free and easy, and were not bound by regulations which governed the general wards. They could move about far more freely and talk to one another, and yet receive the necessary treatment.

The next subject with which I wish to deal concerns loans for the housing of coloured people. When I use the term "coloured people," I am not referring to those who come under the Native Welfare Department's care, or those who have come under the care of that department.

In Carnarvon, and indeed in Shark Bay as well, there are quite a large number of coloured people who own their own land; they have it completely paid for. This land could be built on very easily, and it would provide a good security if a decent house were erected on it. The trouble is that these people are unable to get a loan. If they were in a State Housing Commission house as tenants and wished to purchase the house in question they would be able to do so. In other words, they would be able to get a loan without any trouble. But if they own their land in fee simple, and they wish to get a loan from the Housing Commission to erect a house similar to the State Housing Commission houses, the commission is not very helpful. In fact, I have been able to get only one such loan through, and it took three years to have it finally approved.

If these people were able to do something to get a house built it would give them a great uplift in life, and something to really work for. When they are forced to live in any type of shack they are able to build for themselves, they are not given much incentive. Loans should be made available to them to enable them to build houses and clean up their properties.

Loans should be made available by the Government, either through the Premier's Department or through the Rural and Industries Bank, to enable them to build houses. These people have a deep desire to live in reasonable types of houses, and most will find no trouble to raise £300 or £400 as a deposit. The deposit on these houses need not be a small one. The main trouble with loans from the State Housing Commission is the insistence on the resale value of the property being commensurate with the building costs, because of its fear of default on payments.

The resale value of these houses would still be high, and there would be no difficulty in leasing them or selling them to other coloured people in the town. They should be given this opportunity through Government loans—either through the Rural and Industries Bank or through Treasury guarantee from private lending organisations—to obtain adequate housing.

I draw the attention of the Premier to the delay experienced in obtaining replies from some Government departments. They seem to be very lax in answering correspondence. I do not know whether in fact they are lax, or whether they forget to answer the letters. One might wait for six weeks to three months for a simple acknowledgment of a letter; yet a member of Parliament can ask a question in this House and be supplied with the information within 24 hours—the very information which is being sought in a letter to a Government department. It is not as though the information sought in the correspondence is difficult to obtain or is unavailable; the delay in answering is caused by placing the letter on the file for attention later. The letter is placed on the file and is forgotten until a reminder is sent.

During this session of Parliament I had to wait for two months for a reply from a Government department. I asked a question in this House to obtain the information which I sought in the letter, and the Minister gave a reply the next day. It was not as though the department did not have the information to answer my letter. Probably it forgot all about the matter. The day after the Minister answered my question I received a letter from the department apologising for the fact that the matter had been overlooked.

I regret the report of the Auditor-General has not yet been tabled. This is a very useful document from which a great deal of information can be derived. It gives far more information than any other report which is made available to us at this time of the year. I have often wondered why it takes so long for the report of the Auditor-General to be presented to Parliament. This is brought about by the great deal of checking that is required to be done to ensure the accuracy of the report. It is quite a voluminous document, and the person preparing it has a great responsibility.

From the report of the Auditor-General one can determine how much is being spent by various departments and under the various Acts. There is the opportunity to study far more fully the estimates of revenue and expenditure which are set out in the Budget. If the report is examined in the proper light, a great deal of information can be obtained. Personally I look forward to the presentation of this document, to find out whether or not the Auditor-General reports favourably on the expenditure by the departments.

I hope that report will be made available before the debate on the Annual Estimates is completed. If it is we will be able to look into the expenditure of departments, before the item in the debate is reached. I have a few other points to bring up, and it is my intention to deal with them when the items are being discussed. Meanwhile I content myself with the remarks which I have made.

MR. JAMIESON (Beeloo) [10.48 p.m.]: There are a few matters I wish to deal with in the general debate on the Annual Estimates. Possibly it is advisable to do so at this stage, rather than when the items are under consideration, because very often they are passed over very quickly.

On reading the latest report of the Commonwealth Grants Commission I was very concerned with the attitude adopted by the Chairman (Mr. Phillips). He has been my pet aversion since he first became chairman of the commission when he berated Western Australia for spending so much on agricultural research, although he did not know what he was talking about. He is principally responsible for the drawing up of the reports of the Grants Commission, and on this occasion he turned his attention to the State Shipping Service.

On previous occasions the various reports of the Grants Commission contained one paragraph relating to the State Shipping Service, but on this occassion no fewer than five pages are devoted to it. I regard him as being the two-handed type of accountant, just like the two-handed lawyer whom a foreigner did not want to retain. On being told by the lawyer that on the one hand something would happen, and on the other hand something else would happen, he retorted by saying, "I want to know what will happen."

In reading the five pages, I find that in the diatribe put in by Phillips, he makes no recommendations at all. He does not even know whether he is entitled to give the matter consideration. He states rather clearly it is essentially a Commonwealth Government argument between the State and the Commonwealth as to whether this State Shipping Service proceeds as it has done in the past, because there is no basis of comparison with anything else; and the degree of development of the north and other factors associated with the Commonwealth's own territories are an unassessible item so far as he is concerned. He is unable to make an inquiry and even try to state a basis of heavy penalties that might be imposed on the State because of the loss on the State Shipping Service. It is just beyond his capacity, as he points out in his report.

I do not think it is something he should more than cursorily touch upon. If the Commonwealth has not prompted him up to this time, I suggest there is no reason for taking action against the State Shipping Service because of a deficit. He agrees that so far as the examinations they have been able to make are concerned the authorities looking after the service are doing as well as can be expected.

He agrees that the extra deficit on this occasion has been caused by some increases in margins and amounts not anticipated in the original budget. He explains all this away and then, as I said, takes up a considerable number of pages of his report to indicate nothing. I am sure his time and the time of the commission could be put to better purpose.

Mr. Brand: It cannot be denied the State Shipping deficits were growing to alarming dimensions.

Mr. JAMIESON: They are not.

Mr. Brand: They are. It is all very well for you to say they are not!

Mr. JAMIESON: They are not growing to an alarming dimension. What is an alarming dimension? It is all a matter of knowledge and how one views a thing. We are spending an alarming amount of money on road building; we are spending an alarming amount of money on schools; but it is all by comparison.

Mr. Brand: That is right.

Mr. JAMIESON: It has to be judged on comparative work with which it is associated; and he has no basis on which to establish an argument.

Mr. Brand: He did give certain warnings to the Government and at least we ought to increase charges and make an effort.

Mr. JAMIESON: Yes; and he agreed that the more economic running, the administration, and that sort of thing had, to a great degree, been attended to and was reasonably satisfied that the economics practised by the service were within reasonable bounds and that there was no argument there. However, he again states in his report—if the Premier will read it—that he has no specific instruction to penalise the State on the issue of these losses, because he cannot determine just where the State's responsibility starts and finishes.

It is a developmental line and will remain so for a considerable number of years; and there is nothing similar on which he can base an argument. So I again say he could put his time to better purpose than he has done.

I note from his report that we are still somewhat lacking in our take-home income in this State; and that concerns me greatly because I feel in a State that is supposed to be making a great leap forward —and we assume that is right—everybody should be leaping forward with it. Until the take-home packet approximates that of the standard States, we will find we will not have the necessary prosperity in the community.

It is not the amounts the rather large firms are making, because they are inclined to plough their money back into capital assets; it is not the amount of money that goes away in margins to overseas firms; it is not any of that that makes prosperity in the community, it is the take-home packet. If that amount could be increased by £1 per week to everybody in the State we would really have prosperity, even though it may be called inflated prosperity. But who cares? Everybody is quite happy so long as there is the wherewithal with which to buy something extra.

I have never heard anyone complain about inflation when there is money about. However, it is different when there is no money about and there is a deflated wage in the State with an inflated capital expenditure which tends to lift up the price of commodities we have to secure. It is interesting to note that the average weekly earnings per employed male unit in Western Australia in the last year quoted in the table was £23.59. The lowest State of the lot was Queensland where there is a considerably lower basic wage. However, all the other States, excluding Tasmania, were quite a bit above that; and in Tasmania they were nearly £1 in average above the weekly earnings rate of Western Australia.

It is interesting to compare this with Table 6 — personal income per capita — which also shows we are not doing very well. I think that Tasmania, on a personal income basis, is somewhat below us, but not by a great amount. The two standard States of New South Wales and Victoria were about £100 above us in 1963-64 and it does not look as if we are going to make up the leeway. Though it is much better than it was some few years ago, we do not seem to be getting up to that standard, despite the fact that everything is supposed to be associated with the standard States—I refer to taxes and other problems in this State. The standard of the wage structure and the take-home packet is not catching up to the standard States; and until we are able to do that we will not get the rake-off on the various means of indirect taxation which we impose in this State that the other States are able to.

The more money people have to spend the more luxuries they will purchase; and this will have its effect on such things as the T.A.B. turnover, motor vehicle registrations, and so on. So it would appear that here again is a deflation, because the wage structure is not high enough. There are references to the reasons for this; and one is that it would appear in Western Australia the over-award payments are not nearly as high as they are in the other States.

It is interesting to note that paragraph 23 of this report, which deals with secondary industry, states that secondary industry is one of the main causes for New South Wales and Victoria being higher than the others. This paragraph goes on to state—

> This explanation, however, does not apply in the case of Western Australia and Tasmania. It may well be that in these two States over-award payments are not made as extensively as in New South Wales and Victoria or that overtime is not worked as extensively as in these latter States which are more heavily industrialized.

We know that; and we also know the over-award payment position is one that has been of great concern to the breadwinners in this State for a long period. The firms that have been prepared to pay over-award payments have not been allowed to because of the tight hold the organisations controlling employers in this State have had over the years. They have not permitted the wage structure to rise to the stage to which it has risen in the Eastern States.

I do not think that under any circumstances we should let ourselves be known as the cheap wage State. The people in this State are entitled to as good a standard as—and, in fact, a better standard than—is possible elsewhere. This applies to everyone whether he be a street sweeper or employed in any other position. We are the biggest State and we should be able to pay the biggest rates; and until we can, we have not achieved the objective we should set out to achieve.

A matter which worries me concerns the amount that Government departments are now spending on rentals. I asked a question of the Treasurer today as to the number of Government departments which are occupying Vapech Building in Murray Street. He supplied the names of the sub-departments—of which there were four—and the rental paid. This amounted, in total, to £44,369. That amount per annum is pretty high and in my opinion warrants the erection of a fairly good Government building in order that the departments might be housed. In reply to another question I asked I was told that no plans exist for the construction of a Government building to accommodate the occupants of Vapech Building. We must remember that although the Government departments, while occupying such a building, are not paying rates direct, they are paying certain charges which would not have to be paid if the departments were housed in Government accommodation.

It may be said that no loan funds are available to erect such accommodation. About that I would be very doubtful because I come back again to that old cry and argument that it was convenient to the Government to find thousands of pounds to develop the settlement at Exmouth Gulf which would have been developed in any case even though the Government had not put a penny into it, because the settlement was necessary from the Commonwealth's point of view. We did not spend any money at Talgarno and there was no need for us to spend a penny at Exmouth Gulf.

However, if money is available to plough into such projects then of course it must be available for these essential projects. It appears it was essential for the Department of Labour, the Department of Native Welfare, the Crown Law Department, the Workers' Compensation Board, and the National Trust, all to be provided with accommodation in this building.

In effect, all the Government is doing by renting portion of Vapech Building which is owned by private enterprise is to pay off the building. The owners are not running it at a loss. They would be keeping their pound of flesh from the rental the Government is paying. However, this is only one of many instances. Government departments are still strewn all around the metropolitan area without much move being made towards overcoming the situation.

Of course the building on the hill will accommodate a certain number of these departments; but as against that, extensions are being made and buildings are being erected which are not necessary. One such instance was touched upon by the member for Balcatta last night. He referred to the building being erected below Parliament House. It is being built of State pressed bricks. No, I am wrong. Regrettably we have no State bricks now as they are owned by Hawker Siddeley. However, this building is being constructed of best quality bricks; and instead of its being a single shell shed as would be erected for a garage or some such purpose, it is being constructed of the best material possible. And, let me emphasise, it is merely a temporary toilet block. At the most it will remain for a few years and then will be knocked down. It is obvious that it is capital investment which has gone down the drain. Whether it is only £500, £700, or £1,000 it has been wasted, because it will not be possible to remove it elsewhere.

Mr. Lewis: Where is that building?

Mr. JAMIESON: Below the hedge on the Parliament House reserve site. I suppose if the Minister for Education required an amount to provide extra toilet accommodation at one of his schools, he would find it hard to get. These are the things that make the public wonder whether the popular cry of the Ministers in reply to members, that there is no finance available, is a genuine and logical one.

I am glad the Minister interjected, because he had drawn my attention to the Cannington High School in regard to which it was necessary for me recently to communicate with him to draw his attention to the gymnasium-cum-assembly hall provisions at this new school. As in the case of all other recently built high schools, there is virtually no such provision.

In his letter he indicated to me that some time in 1958 or earlier it had been decided by the department not to provide such accommodation. With this I might agree if it was the uniform policy in the planning of all schools. However, in the planning of the Cannington High School the assembly hall was, in fact, provided for, together with dressing rooms, and stage. Everything was provided in the structure for these amenities, yet there is no plan to build them. If this is the case the preparation was useless.

I agree that in some schools like the Bentley High School, one of the quadrangles provides accommodation for an outdoor stage. However, at the school to which I have referred the preparatory work has been done to provide for the uprights and stanchions which were to carry the roof ultimately for the gymnasium. This is only half doing a job and it looks ridiculous, and will continue to do so. It only teases a parents and citizens' association.

I have no argument with a policy if it is adopted firmly, but when the facilities are commenced, it is only tantalising, to say the least, and it is not a desirable feature in planning. The architect should know better. If the policy of the department is not to provide an assembly hall, but to use portion of the quadrangle for assembly purposes if necessary, all right; but that has not been done on this occasion. A considerable amount has already been spent on this outdoor assembly area and outdoor stage, and I am sure it would not have cost a great deal more to complete it. However, if it was not the intention to complete it, it should never have been commenced. The conditions that prevail are fairly elaborate with dressing rooms and those associated features which have already been provided.

I would like to touch on matters which I came up against during the last election, and which deal with the Electoral Department and its administration. My remarks will be on matters about which I feel it is high time something was done. It is high time that officers in the Electoral Department were given a shake-up. The department is being conducted, without doubt, as though it is a secret society; a very high-class form of masonic hierarchy. No information is available from the department on trivial issues which might arise, such as polling booths and where they are to be provided in a district.

This was a classic example: A returning officer—from my own particular district, as I found out afterwards—had recommended a polling booth which had been used as a Federal and State polling booth for a considerable number of years. For the same district, 17 polling booths were allocated for the Federal Electoral Department, and only 11 for State purposes.

The returning officer recommended one at East Cannington. This I found out afterwards because the Chief Electoral Officer told me so. When it was suggested to the Chief Electoral Officer he scrubbed it off the list. After everybody was acquainted by the advertisement in the Press that there would be a certain number of electoral booths in the district, and the positions of those booths, the same officer—because of the prevailing complaints from the local people at East Cannington who were required to go 1½ miles to the nearest booth—at the last minute allocated a booth at East Cannington.

Of course, those involved—such as myself—in trying to keep up with the run of the election and to provide pamphlets and the usual paraphernalia that goes with an election, endeavour to give information with regard to polling booths. After this information has been supplied, along comes the allocation of another booth!

This sort of secrecy is quite unnecessary. If one tries to find out the reason why somebody is not being accorded a vote the department goes into secret conference. There is no reason for that. Surely the Chief Electoral Officer is subject to his Minister. Once an announcement, such as the date of the poll, has been made, the information should be available.

At the last election, the Minister announced in the corridor that the election would be on a certain day. It was also announced on the 12.30 p.m. news. The secretary to the Leader of the Opposition was trying to get the information from the Chief Electoral Officer in the afternoon for the scheduling of the programme for the issuing of writs, etc. Once the polling date had been made known there was no reason for secrecy, but it was like trying to get blood out of a stone for him to get this information; no less.

A lot of people have had this experience with the officer in charge of the Electoral Department at the present time. He is unnecessarily secretive and there is no reason for it. So far as the location of polling booths goes, surely one person who should have an idea of where they will be located, particularly in a growing area, is logically the member representing that area. I can see no reason for the secrecy. To my knowledge the officers are all bound to secrecy on the location

of polling booths until they are gazetted. What earthly reason can there be for such a foolish move on the part of the Chief Electoral Officer? There is no logical reason at all.

Knowing the position of a polling booth is not going to be an advantage to one member or another. It is to the advantage of the public. When electors seek information they go to the one who might have a close knowledge of the district, and that one is logically the local member. Returning officers for many of the areas come from the other side of the metropolitan area and do not have as close a knowledge of the district as the local member or candidate.

The Commonwealth Government has a far better scheme. Each year it reviews the polling booth set-up; and each year, whether there is an election or not, it publishes a list of polling booths and where they will be. Those are the polling booths until the next proclamation. That is a more sensible idea. In the case I have mentioned, because some pressure was brought to bear at the last minute, another polling booth was popped in secretly, for no reason at all, that polling booth having been rejected some weeks before by the same officer.

I think it is high time we reviewed the whole position and had as many polling booths as possible made available for the people to vote in. I cannot see any reason why this stupid secrecy is indulged in, particularly by the present Chief Electoral Officer. If he wants to carry on in this way it certainly makes a farce of the administration of that department. It ill behoves that officer to be so silly on such trivial matters where no advantage can be gained by either party in an election.

We have various measures before us dealing with local government, and no doubt there will be more measures on the same subject. I would like to make the point that I feel the Minister is shirking responsibility in respect of local government in this State. The criticism generally, from the public point of view, and even from the Press point of view, on the present uneconomic and stupid lay-out of the municipal districts, both in the metropolitan area and to some degree in the country areas are beyond a joke.

It is high time it was subject to a complete revision. I do not know what the Minister is baulking on. He even had a virtual mandate from the local authorities in the metropolitan area to proceed a few years ago when 13 of the local authorities, with by far the largest number of electors, voted in favour of going ahead with a new allocation of municipal districts. The other 14 electoral districts, some of them with a lot smaller population, voted against it. The Minister did not do anything. I think that shows a remarkable lack of pluck on the part of the Minister, in not going in and doing something which really needs sorting out.

This problem has not been peculiar to this State, because I have found, at various times in the Eastern States newspapers, that other States have had a similar problem. At least they are prepared to deal with it. Some few weeks ago recommendations were made by a commission in Tasmania where the position had got out of focus. It is obviously horribly out of focus in this State.

Communities have come and gone in various areas—some are almost deserted, but they are still given virtually the same consideration in local government as they have always had. Only about a week or so ago I saw a report where a representative of the Perth Shire Council recommended to his authority that it should pull out of the Local Government Association because the stage had been reached where this authority, which represents maybe 200,000 people—or whatever number it is—and which has a terrific area under its jurisdiction—the biggest metropolitan area in the State—has only two representatives, whereas Peppermint Grove, which has under its jurisdiction .8 of a square mile also also has two representatives. Yet although it represents an area of only that size it can veto anything that is wanted by the people in the great sprawling local authority known as the Perth Shire.

It is obvious that something needs to be done immediately—not in 10 years' time or in five years' time; it needs to be done now to help the economic stability and the sensible administration of local government. It is time that action was taken. No doubt a few petty feelings of certain ward members will be hurt, and they will be cross about it. But this question has to be faced, and the sooner it is faced the better it will be. If something were done it would be only a nine days' wonder and by the time the next local government election had come and gone it would be forgotten. It would all sort itself out, but it is high time it was sorted out.

As I indicated last year, I would pull a figure out of a hat and say that there should be, say, only 10 local govening bodies for the metropolitan area, with one central authority which could look after the central city area, and probably its close environs. If one looks at the metropolitan area one will see that it lends itself to an allocation to about 10 local govening bodies. When this redistribution of boundaries is achieved there will be a much more economic use of plant and equipment and the ratepayers will find that they are not facing unnecessary loan rates and other rates to maintain plant. At the moment if one local authority gets a certain machine the next-door local authority has to get the same sort of machine to maintain its standing in the community and in local government circles. That applies to any

machine that might be used for road construction, footpaths, verge clearing, or anything else. Once one local authority purchases a new machine the others all want the same thing even though it may be used only occasionally.

In most cases machines of this type are not an economical proposition for one local authority but they would be if they were used by several local authorities. Now, frequently, two machines are purchased when one would be able to do the job for two local authorities. This matter is crying out for immediate attention. The question of local government boundaries and the number of authorities should be reviewed, and reviewed immediately to make the position sensible and reasonable.

Mr. Rushton: The size of the shires surely does not preclude the economic use of plant.

Mr. JAMIESON: Yes it does, because I cannot imagine what a shire the size of Peppermint Grove would do with a bulldozer, and in the same way I cannot imagine what a shire the size of Armadale-Kelmscott would do with a mousetrap.

Mr. Ross Hutchinson: Can't they hire one?

Mr. JAMIESON: Of course; but it is not always economic for them to do so. People who own machines such as that require notice of hiring, and if a shire wants to hire plant to build roads at a certain time it cannot always rely on getting that plant unless by prearrangement.

Mr. Ross Hutchinson: That's it; you budget for it.

Mr. JAMIESON: Yes; but it does not always work out all right. If a shire is putting in developmental roads with bitumen, and it starts to rain heavily, it has to leave that work. However, if it has negotiated with a firm to hire plant it is very difficult for it to send the plant back and then hire it again when the weather improves. A shire has to be fairly pliable with its activities, and unless it has the necessary facilities, such as a bigger local authority has, it cannot transfer its men from one works project to another.

Mr. Toms: The Minister convened a meeting of local authorities for this purpose, but some councils were afraid of losing a spadeful of their territory.

Mr. JAMIESON: That was the point I made earlier. Half of them said "Yea", and the other half said "Nay"; and, because of that, nothing was done. This question certainly needs some attention, and something should be done very quickly.

Mr. Rushton: You could still zone the plant without losing the benefit of the good work councillors are doing now.

Mr. JAMIESON: Maybe; but is the honourable member suggesting that the present number of 27 local authorities for the metropolitan area is a correct and proper number?

Mr. Rushton: I am only suggesting the economic use of plant.

Mr. JAMIESON: Never mind about that. I am asking the honourable member whether he is suggesting that the present number of local authorities is the correct number.

Mr. Rushton: I was suggesting that you do not need to reduce the number of councillors, because they are giving particularly good service.

Mr. JAMIESON: I suppose a ward member in the Peppermint Grove district would probably give the same service as a ward member in one of the wards in the Bayswater Shire, or some other shire if those members were used on the maintenance of roads. I suppose the work could be done on a roster basis and they could go out with a tar can and a bag of blue metal repairing the road. They could probably economically maintain their district, but I do not think it would be suggested that they do that. Wherever a pothole is found in the road the shire immediately despatches a telegram, or rings Bell Bros., or some other big contractor, saying that there is a pothole in the road and so Bell Bros. immediately despatch one of their machines to repair the pothole. Then, of course, when another pothole is found in another section of that .8 of a square mile, the same thing happens again.

That is why I say it is time something was done about local authority boundaries. It should be done quickly. The Minister baulked about it before but something will have to be done very soon.

That is all I wish to say at this stage. I shall deal with some of the items when we come to them and I shall keep the rest of my remarks until then.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Council's Request for Conference

Message from the Council received and read requesting a conference on the amendments insisted on by the Assembly, and notifying that at such conference the Council would be represented by three managers.

FISHERIES ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

House adjourned at 11.31 p.m.