In Committee, etc.

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

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [3.3 p.m.]: I move—

That the House do now adjourn.

I would point out that the notice paper is very thin, and that is why I am moving to adjourn the House now; and I also point out that the sitting on Tuesday next will be a short one.

On Tuesday I propose to give notice of the Loan Estimates and they will be introduced on Wednesday. As members are aware, we propose rising for Show Week and this will enable the draftsman and others concerned with the preparation of Bills to catch up somewhat.

Question put and passed.

House adjourned at 3.4 p.m.

Legislative Council

Tuesday, the 20th September, 1966

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

BILLS (6): ASSENT

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

1. Commonwealth and State Housing Agreement Bill.
2. Foot and Mouth Disease Eradication Fund Act Amendment Bill.
3. Potato Growing Industry Trust Fund Act Amendment Bill.
4. Brands Act Amendment Bill.
5. Painters' Registration Act Amendment Bill.
6. Main Roads Act Amendment Bill.

QUESTION WITHOUT NOTICE

SITTINGS OF THE HOUSE

Thursday Nights

The Hon. W. F. WILLESEE asked the Minister for Mines:

Can the Leader of the House advise members if he has reached a decision as to when it will be considered likely that the sittings of the House may be extended from Thursday afternoons to later hours in the evening or night?

The Hon. A. F. GRIFFITH replied:

Judging from the number of notices that have been read today, it occurs to me that an afternoon off last Thursday energised members to the point where we have heard so many notices of questions this afternoon.

As you know, Mr. President, it has not been usual for the House to sit on a Thursday evening until this becomes necessary. When it becomes necessary it is customary to give members a week's notice of the intention that the House should sit.

Perhaps this is an opportune moment to say that I calculate the House probably will sit on Thursday evenings after Show Week. I make the proviso that we will not sit on the Thursday evening if the notice paper enables us to adjourn at tea time, but, otherwise, we will sit on Thursday evenings after Show Week.

QUESTIONS (5): ON NOTICE

NAIRN'S CREAM

Withdrawal from Sale

1. The Hon. J. G. HISLOP asked the Minister for Health:

Will the Minister ascertain and make known the reason why Nairn's cream was suddenly taken off the market a few months ago?

The Hon. G. C. MacKINNON replied:

H. E., P. W., and M. E. Nairn were dairymen-vendors licensed to sell

milk and cream in the Armadale road district. They also sell milk under contract to a treatment plant. They ceased selling raw cream of their own production retail from the 5th February, 1966, of their own volition following an assurance that they would be granted an additional quantity to their contract in lieu of the sales of their own production retail. This increase was granted by the board and the district was subsequently prescribed for the sale of pasteurised milk and cream to householders in accordance with section 27 of the Milk Act.

POLICE STATION AT JERRAMUNGUP

Plans, Commencement, and Completion

2. The Hon. E. C. HOUSE asked the Minister for Local Government:

As His Excellency the Governor stated in his Speech at the opening of Parliament that the Government would be providing a new police station at Jerramungup this financial year, will the Minister advise—

(a) Have plans for this station been completed?

(b) When is it anticipated that construction work will commence?

(c) What is the approximate date of completion of this building?

The Hon. A. F. GRIFFITH replied:

I think the honourable member's question should have been directed to me instead of to the Minister for Local Government and, for that reason, I give him the answers—

(a) No.

(b) and (c) It would appear that the necessary funds will not be available this year.

COUNTRY HIGH SCHOOL HOSTELS

Responsibility for Maintenance

3. The Hon. J. M. THOMSON asked the Minister for Local Government:

(1) Since the coming into operation of the Country High School Hostels Authority Act in 1960, will the Minister advise whether—

(a) the Country High School Hostels Authority; or

(b) the Public Works Department,

has been responsible for the repairs and maintenance of the buildings?

(2) Who is responsible for the repairs and maintenance of hostel buildings in Albany such as "The Priory", "The High School Hostel for Boys", and "The Rocks Hostel for Girls" that have been taken over by the authority?

The Hon. L. A. LOGAN replied:

(1) and (2) The Public Works Department.

SERVICE STATION SITE AT INNALOO

Zoning and Sale

4. The Hon. H. R. ROBINSON asked the Minister for Local Government:

(1) Has ministerial approval been granted for the rezoning as a service station site, portion of lot 1, cnr. Scarborough Beach Road and Oswald Street, Innaloo, for the Grove shopping centre?

(2) If the answer to (1) is "No", is it correct that an oil company is reported as having paid $110,000 for the site?

The Hon. L. A. LOGAN replied:

(1) No ministerial approval has been granted.

(2) It is believed that such a report has been made, but I am not aware whether it is correct.

SHARK

Sales as Fish

5. The Hon. E. M. HEENAN asked the Minister for Fisheries and Fauna:

(1) Is it a fact that large quantities of shark are sold and supplied to the public as fish, but under some misleading description?

(2) If the answer to (1) is "Yes", is the practice one which he approves or condones?

(3) What action, if any, can he take to ensure that the public are sold or supplied with fish which is correctly named or described?

(4) Have any prosecutions been taken in recent years by either the Department of Health, or the Fisheries Department, against people who have sold or supplied shark to the public under misleading descriptions?

The Hon. G. C. MacKINNON replied:

(1) Sharks are fish, and may lawfully be sold as such. On the other hand, it is not lawful to describe shark as snapper or jewfish, for example. I have not been made aware that the law in this respect is not being observed.

(2) Answered by (1), but no breach of the law can be approved or condoned.

(3) This is the responsibility of inspectors appointed under the Health Act, who have full powers in this regard.

(4) This is not the area of responsibility of the Department of Fisheries and Fauna. No prosecutions under the health laws have been initiated in recent years.

BILLS (3): RECEIPT AND FIRST READING

1. Public Works Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Eastern Goldfields Transport Board Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

3. Totalisator Agency Board Betting Act Amendment Bill.

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

PERTH MEDICAL CENTRE BILL

Second Reading

Order of the day read for the resumption of the debate from the 14th September.

President's Ruling

The PRESIDENT: At the last sitting The Hon. F. J. S. Wise asked for a ruling as to whether this Bill infringes section 46 subsection (8) of the Constitution Acts Amendment Act, and in doing so the honourable member referred to clause 13 subclause (3) paragraph (b).

The subsection of the Constitution Acts Amendment Act referred to by the honourable member states—

> 46 (8) A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor to the Legislative Assembly.

The subclause of the Bill to which the honourable member has drawn attention authorises the Treasurer, on behalf of the State, to guarantee repayment of trust borrowings.

I have made a close study of the implications of this guarantee condition, and in May's *Parliamentary Practice* I find that included in examples of charges which require the Queen's recommendation are contingent or prospective charges on the consolidated fund such as might arise from a Treasury guarantee.

I have also perused similar legislation which has been passed by this Parliament in recent years, and in particular I would refer members to the University Medical School Act, No. 30 of 1955, and the University of Western Australia Act Amendment Act, No. 25 of 1957, both of which contain guarantee provisions in line with those in the Bill under discussion, and which, on introduction, were supported with a recommendation from the Governor.

In order to reach a decision, I have endeavoured to visualise the ultimate result of the words which appear in the Bill as follows:—

> 13(3)(b) The Treasurer on behalf of the State is authorised to guarantee on such terms and conditions as he thinks fit repayment of any money borrowed by the Trust . . .

and I have come to the conclusion that this means the Treasurer could make a payment from the Consolidated Revenue Fund without further reference to Parliament.

The purpose of a guarantee by the Treasurer is to remove any financial hazard a would-be lender may fear, and in this connection I have reasoned that unless the guarantee given by the Treasurer is binding on the State then it is worthless, and that if further reference to Parliament was necessary to authorise a repayment on behalf of the trust, then it is not in effect a firm guarantee.

I believe the intention of the subclause is that the Treasurer's guarantee provides full authority for prospective repayment, and I therefore consider that the Bill comes into the category of those requiring a recommendation from the Governor.

Having reached this conclusion, I must rule that the Bill infringes the Constitution Acts Amendment Act, and is therefore out of order.

Dissent from President's Ruling

The Hon. G. C. MacKINNON: I move—

That the House dissent from the President's ruling.

I hereby provide the necessary written objection in accordance with Standing Order 405. Have I your permission to proceed, Mr. President?

The PRESIDENT: Yes.

The Hon. G. C. MacKINNON: The crux of the matter lies in the last few words of your remarks. May I preface mine by saying that I take the action I do with a great deal of reluctance, but I consider this is a matter of transcending importance to the Legislative Council.

It follows automatically that whilst a Minister in this House is extremely anxious to introduce his own Bills, he is also extremely anxious that they should, in fact, be heard. Therefore, every possible avenue of investigation is pursued before action is taken to introduce a Bill into this House.

So this Bill, like any other Bill, has been examined not only by officers of the Crown Law Department, but also by

officers of the Treasury to remove any doubt of its not being in order. You, Sir, stated—

> The purpose of a guarantee by the Treasurer is to remove any financial hazard a would-be lender may fear, and in this connection I have reasoned that unless the guarantee given by the Treasurer is binding on the State then it is worthless, and that if further reference to Parliament was necessary to authorise a repayment on behalf of the trust, then it is not in effect a firm guarantee.

You went on to state—

> I believe the intention of the subclause is that the Treasurer's guarantee provides full authority for prospective repayment, and I therefore consider that the Bill comes into the category of those requiring a recommendation from the Governor.

Let me state unequivocally that if the medical centre trust found itself in a situation where the Treasurer had to meet his guarantee, the sum required would have to appear on the next Appropriation Bill and come through in the normal course of events, because this Bill does not appropriate revenue. The sole object of this particular section in the Constitution Acts Amendment Act is to prevent our appropriating revenue specifically—by a specific statement. But every Bill creates a charge even if it be limited to the cost of printing the Bill; and every Bill, whether it requires an extra inspector to be appointed, or merely just in the printing, appropriates revenue, but it does not appropriate revenue specifically.

In the reference in May's *Parliamentary Practice* we are faced with the problem of abbreviation, for *May* states that a Bill which gives a prospective guarantee comes into the category of appropriating revenue. Certain examples are given, and it is interesting to examine them. In each of the examples the wording is similar to that used in the United Kingdom Electricity (Supply) Act, 1926. Section 29 of that Act empowers the Treasurer to give a guarantee, and subsection (2) thereof provides—

> Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom.

This Act is clearly distinguishable from the Perth Medical Centre Bill, and obviously required a Message before it was passed.

If a situation arose where the Treasurer was faced with the need to meet a guarantee, then the sum he required would not have to appear on the next Appropriation Bill, because the sum is specifically provided to the extent required by the very measure itself. I can go on giving example after example of this kind, because the fundamental requirement is that the Bill should appropriate revenue, and this House is not empowered to so appropriate. But this House can, in fact, handle a Bill, certain aspects of which may necessitate the appropriation of revenue, if such appropriation has to be made by a subsequent Bill, to be introduced with a Message, in the Legislative Assembly.

When we examine these examples the position is crystal clear. The reason why I consider this matter is of vital importance to the House is that it is an abrogation of our fundamental rights and responsibilities, because I say we have the right to consider this legislation. You, Mr. President, quoted certain Western Australian Acts. I think it is fair in this context to look at Acts passed by other Parliaments, rather than those passed by this Parliament.

Over the years Acts have been passed in which there was a shade of a shadow of doubt, and so careful was the Crown Law Department in this regard that it sent the Bills forward with Messages. There is a number of Bills of this State which empower the State Treasurer or Treasury, as the case may be, to guarantee the repayment of moneys borrowed; and they go on to state that any moneys required for fulfilling any guarantee so given shall be paid out of Consolidated Revenue, or out of the Public Account, which revenue or account is "hereby to the necessary extent appropriated accordingly." These words are absolutely essential for such a Bill to be introduced. Examples of measures of this type which have been passed are—

> Metropolitan (Perth) Passenger Transport Trust Act,
>
> Industry (Advances) Act,
>
> Albany Harbour Board Act,
>
> Bunbury Harbour Board Act,
>
> Fremantle Port Authority Act,
>
> Rural and Industries Bank Act,
>
> Abattoirs Act,
>
> Totalisator Agency Board Betting Act,
>
> State Electricity Commission Act.

Apart from those there are many more examples, but those given should be ample for our purposes.

Certainly *May*, at page 782, in referring to contingent or prospective charges on the consolidated fund, such as might arise from a Treasury guarantee, refers to certain cases and to references in the *Commons Journal*. If these are examined it will be found that in every case they contain the appropriate words, "hereby to the necessary extent appropriated accordingly." In other words, these Acts do not demand that the sums of money required would have to appear in the next Appropriation Bill, or in any Appropriation Bill

at any time, because for their purposes the sums have already been appropriated.

This matter has also arisen in the Federal Parliament in a number of Bills which were introduced, exactly in the same way as it has now arisen here. I shall give one or two examples. As I pointed out, in respect of the Bill before us no payment can be made without a direct subsequent appropriation. That is the position with respect to clause 13 (4) of the Perth Medical Centre Bill. There is no appropriation under this provision, and Parliament is not bound to provide any money. If it chooses to appropriate moneys it can do so by passing another measure, which will appropriate the required moneys, and a Message from the Governor will be necessary for such a Bill.

In this regard you, Mr. President, suggested that the implication of the Bill before us is that the Treasurer requires it to be firm, but there is no such implication in the Bill. The words are specific, firm, and crystal-clear. The Treasurer may, but it is still at the will and discretion of Parliament as to whether or not he is to be allowed to appropriate the necessary sums of money in a subsequent Bill. There is no risk in such a procedure. What Parliament would deny the Treasurer this right? We all agree there is no risk in this proposition.

The Civil Aviation Agreement Act, 1952, and the Civil Aviation Agreement Act, 1957, both of the Commonwealth Parliament, are interesting in this regard. Section 4 of the former Act provides—

> The Commonwealth may give such guarantees, and make such advances on loan as are provided for by the agreement referred to in the last preceding section.

The latter Act added a subsection to that section which provided that that section—

> shall be deemed to authorise the giving of a guarantee of the payment by Australian National Airways Proprietary Limited of amounts payable by the company under arrangements made in substitution for the original arrangements with respect to a loan made before the commencement of the subsection, by a loan, the repayment of which was guaranteed under that subsection.

Section 56 of the Commonwealth of Australia Constitution Act provides—

> A proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor to the House in which the proposal originated.

The Commonwealth Constitution Act is the same as ours in principle, but it boils down to the fact that a Message from the Governor must specifically appropriate revenue. That must be stated in the Bill —and not by implication—because every Bill appropriates something by implication, such as the implication that the Bill must be printed. It is as simple as that. If we are to be governed by implication then this surely must be taken into account, unless we are to determine by shades of implication, and arrive at some firm determination on the Bill before us. I think I have given sufficient examples, and to my mind the matter is crystal-clear.

It is tremendously important to this House; and it is also tremendously important to the Ministers here that during the present Parliament those on this side of the House, and perhaps in subsequent Parliaments those on the other side, should be able to introduce Bills in the spirit of the Constitution. The spirit of the Constitution is also crystal-clear in that we, in this House, are not able to introduce a Bill which directly appropriates revenue, but we should not be confronted with a situation that we are denied the right to introduce Bills which we have a right to introduce, because the responsible Ministers are in this House. We should not be denied this opportunity.

An examination of the case which I have put up, and of the examples on which this case is based, and cited in May's *Parliamentary Practice*—in which a guarantee appears—will support the point that I have made. It was for those very firm reasons that I felt constrained to move to disagree with the President's ruling.

The PRESIDENT: Standing Order 405 states—

> If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and in writing, and Motion made, which, if seconded, shall be proposed to the Council, and Debate thereon forthwith adjourned to the next sitting day, unless the matter requires immediate determination.

In this instance I do not think the matter before us needs immediate determination, because it is obvious that a considerable amount of research will have to be undertaken by any member who wishes to speak on the motion that my ruling be disagreed with. We will now pass on to other business.

The Hon. A. F. Griffith: For my guidance can the House pass on to the next item of business without making a determination on the matter before us? I am not clear as to the position.

The Hon. H. K. Watson: My understanding is that the item is adjourned to the next sitting day of the House.

The PRESIDENT: That was my interpretation of the Standing Order. Unless it is a matter that needs immediate attention, it automatically stands adjourned until the next sitting day.

BILLS (2): THIRD READING

1. Fruit Cases Act Amendment Bill.
   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.
2. Industrial Lands (Kwinana) Railway Bill.
   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

LESLIE SOLAR SALT INDUSTRY AGREEMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.17 p.m.]: I move—

That the Bill be now read a third time.

I would like to make a brief comment on a matter on which I unintentionally misled the House when this Bill was being debated during the Committee stage the other night. Mr. Ron Thompson made reference to the Land Act and to the fact that the agreement contracted out of the Land Act. I interjected—or commented—that to the best of my knowledge there were no labour conditions in the Land Act.

After having had a look at the situation, I find that there are some labour conditions in the regulations made under the Land Act. Regulation 18 (3) reads as follows:—

> The lessee shall keep at least one man for every 100 acres constantly employed during the months of December, January, February, March, and April in each year, in gathering salt on the leased land.

I want to say that I am sorry for the mistake which was inadvertently made by me. I did not know the particular regulation existed. Now I realise the regulation is in existence, it is easy to see why it is necessary to contract out of the regulation. The provisions of an agreement of this nature would be very difficult to fulfil if they had to abide by that section of the Land Act.

The Hon. F. J. S. Wise: What is the nature of the reserve?

The Hon. A. F. GRIFFITH: It is not a reserve. Mr. Ron Thompson raised the question of the Land Act and its relationship to the agreement, inasmuch as the agreement contracted out of the Land Act. He could not understand why this was so. At the time I said that to the best of my knowledge labour conditions did not exist in the Land Act. I knew that labour conditions did exist in the Mining Act, and that was where I made my mistake. The conditions are contained in the regulations made under the Land Act, as I have already quoted.

Question put and passed.

Bill read a third time and passed.

BILLS (2): THIRD READING

1. Agricultural Products Act Amendment Bill.
   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.
2. Corneal and Tissue Grafting Act Amendment Bill.
   Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

BUILDERS' REGISTRATION ACT AMENDMENT BILL

Report

Report of Committee adopted.

SWAN RIVER CONSERVATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been passed in another place and, as its long title implies, has three main purposes. Firstly, the amendment of the Swan River Conservation Act; secondly, the repeal of the Melville Water and Freshwater Bay Road Act, 1912; and finally, the repeal of the Swan River Improvement Act, 1925-1960.

Before explaining the main provisions in the Bill as affecting Swan River conservation, I shall deal with the Bills now to be repealed. Both happen to be Acts of long standing on the Statute book, though that aspect itself provides no justification for their repeal.

The Melville Water and Freshwater Bay Road Act, 1912, authorised the Minister to undertake some reclamation and resumption to construct roads on the foreshores in Melville and Freshwater Bay. The provisions in this Act have not been put into effect and, at this point of time, the Government does not necessarily feel obliged to adhere to this proposal which originated in 1912. It is considered that, in view of the provisions contained in the Swan River Conservation Act, and more particularly those contained in the current Bill to amend these provisions, any proposals for Freshwater Bay or Melville will be considered on present planning needs. Then, should reclamation be involved, an appropriate submission will be made to Parliament in accordance with the amended Act should this Bill receive parliamentary sanction.

The Government regards the Swan River Improvement Act, 1925-1960, in a somewhat similar light, excepting, of

course, that some of the work envisaged when that legislation was introduced has been completed and, indeed, portion is currently under construction. This latter is the area on the eastern side of the river just upstream from the Causeway. The work involved here affects low-lying foreshores which are being raised by material dredged from the river and which will be topped with sand when it consolidates, and beautified. However, there are provisions in the Swan River Improvement Act for filling in the river from both sides to an extent far in excess of that at present considered desirable, and the Government is not willing to support them.

Our view is that, where possible, the river should be widened in its upper reaches. A plan has been prepared tentatively for future treatment along these lines. It is accordingly considered that the Swan River Improvement Act should be now repealed, thus permitting any new proposal in the area to be considered on its merits, having regard for river widening rather than narrowing.

I shall now deal with the clauses in the Bill amending the Swan River Conservation Act in a constructive manner. Bypassing clause 2, which merely brings some references up to date, we have in clauses 3 and 4 provisions for increasing the numerical strength of the board from 17 to 19 members. The board, at present, consists of a chairman nominated by the Minister, together with 16 other members representing local authorities, sporting bodies, and departments concerned with works or activities as affecting the waters and forehores of the Swan.

The Local Government Association of W.A. is at present represented by four members and this number is to be increased to five, as set out in paragraph (b) of clause 4. The other additional member is to be a person who is a biologist nominated by the Minister for Fisheries and Fauna, and this is specifically covered through the insertion of a new paragraph (ba) as distinct from the seven departmental members covered by paragraph (f).

The proposal to add an additional local government representative has arisen from an extension of the board's area of control in the Canning River with the need to undertake improvement work in that area. The area concerned extends up to the Nicholson Road Bridge. Of the four persons nominated by the Local Government Association, two are selected in the association's discretion from areas below the Causeway and two from areas above the Causeway. It is understood the Local Government Association would nominate, as the additional member now to be permitted, a representative from a shire bordering the Canning River.

The desirability of appointing a biologist arises from a need for technical and professional advice being available to the board in respect of fish and bird life. It is considered that a member qualified to express an authoritative view on bird and fish life and associated problems, consequent upon changing conditions brought about by river and road traffic, should be appointed.

It is of interest to note in passing that a concern expressed by members that the board, as initially established under the Act, would be too unwieldy with 17 members has not eventuated. The board chairman has given an assurance that, in practice, there has been no problem in this regard and the co-ordination and co-operation, which has been in evidence, is an indication of the members' dedication to the work. The board supports the proposal for the two additional members and also the other amendments contained in this measure.

Paragraph (d) of clause 4 repeals subsection (7) under which the remuneration and expenses of members is fixed by Statute, and re-enacts the subsection to enable appropriate fees to be determined from time to time by the Governor in Executive Council on the advice of Cabinet, as is the case in most other boards. The fees fixed by Statute many years ago are now very much out of line with fees paid to members of other boards and trusts, and out of line also with the responsibilities and work involved in the functions of this board.

The amendment to section 12 contained in clause 5 is of a complementary nature increasing the number constituting a quorum from nine to 10 members in consequence of the increase in the numerical strength of the board.

The purpose of clause 6 is to delete from the Act a proviso that no resumption or filling in of an area greater than 10 acres of the Swan River should be undertaken without the consent of both Houses of Parliament. Members who were present in the Chamber at the time will recall that this proviso was inserted into the Act in 1958 as a result of an amendment moved by The Hon. J. G. Hislop, and readily accepted by the Minister in charge of the Bill, The Hon. F. J. S. Wise. If I recall rightly, when moving the amendment Dr. Hislop mentioned that he had originally intended the amendment to relate to five acres.

The deletion of this proviso from the Act will not, however, return the provisions to their original form because new provisions for the control of resumption, filling in, or reclamation of certain areas of the Swan River, are contained in a proposed additional section numbered 22A contained in clause 7.

While the board has been instrumental in providing new beaches and building up others, it supported the controversial

reclamation of the 19 acres for the Narrows Bridge interchange which was approved by Parliament.

The Government, in proposing new control measures, gave careful consideration to the problem of reclamation. There is a ready appreciation that projects of this nature engender great public interest and that in the light of present-day development, the existing limitation of 10 acres without parliamentary approval could well be reduced.

It is considered, nevertheless, that it is essential that the conservation board should be given the responsibility of approving minor reclamation, most of which would be in the nature of beach restoration to which I have earlier referred; foreshore wall protection or minor dredge and fill to improve a foreshore; or provide a beach for a yacht club, for swimming purposes, and such like. Serious erosion can, for instance, take place during winter months as a consequence of heavy rain and this sometimes necessitates urgent restoration work. Thus, it is necessary for the board to enjoy freedom of action and decision in these regards.

Subsection (1) of new section 22A provides that an area exceeding two acres normally covered by water shall not be filled in or reclaimed except by resolution passed by both Houses of Parliament. Further protection is given by providing that parliamentary approval will be required if the area is part of a scheme involving a total area of more than two acres, or is contiguous to an area reclaimed within the previous 12 months. These provisions have been drafted to ensure that there can be no piecemeal reclamation projected with a view to avoiding the necessity for seeking parliamentary sanction.

Subsection (2) will prevent any person resuming, filling in, or reclaiming any area normally covered by water, as distinct from areas covered by subsection (1), unless with board approval.

This provision is desirable in view of the practical experience of the board's operations during the past seven years since its inception. It has had to make many urgent decisions involving areas of less than two acres during this period. Instances which come to mind are a road deviation in the Rossmoyne area of Riverton; the Abernethy Road drain outlet at Belmont; work at the foot of Wauhop Road, East Fremantle; the continual filling, in the swimming area on the foreshore at Harvest Road, North Fremantle; restoration of parts of the foreshore at Como and Point Walter; and many others too numerous to mention at this point of time.

Subsection (3) defines the "area normally covered by water" for the reason that in such matters as these, there is necessity to be precise as to the measurement of the areas proposed to be reclaimed and to take cognisance of the tidal rise and fall of the river. So it is proposed that an area to be reclaimed shall be calculated on a mid-tide, when the river is running its normal course. In this connection, I might remark that there is a recognised low-water mark at Fremantle which, when related to a tide gauge at Barrack Street jetty, provides a mean tide level sufficient for the purpose of defining and pegging proposed areas of reclamation.

In my introductory remarks I explained the purpose in repealing the two Acts mentioned in clause 8, but made no specific mention of the purpose of subclause 2, which has been inserted to enable work that has been commenced under the provisions of the Swan River Improvement Act, to proceed to completion as though the Act had not been repealed.

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

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.33 p.m.]: After looking at the Bill I thought it might be appropriate if I dealt with the easier clauses first and so clauses 2, 3, 4, 6, 7, 8, 9, 10, and 11 have my wholehearted approval because they simply convert pounds in the parent Act to dollars. It is a straightout conversion.

The Plant Diseases Act has come into prominence in Western Australia because of the great service that has been rendered by fruit-fly baiting schemes. These schemes have proved to be most successful in combating the menace of fruit fly, and the provisions in this Bill are a further endeavour to expedite the elimination of fruit fly by better or more simple methods of control. The Bill also attempts to straighten out some problems that have arisen regarding membership of the various committees. Apparently it has been found that some members of committees, as a result of retirement, or through leaving the land, no longer have the necessary qualifications to remain as members of committees.

This position will be taken care of by virtue of an amendment to section 12 of the principal Act, and in future, if the Bill is agreed to, a person appointed as a member of a committee need not necessarily be the owner of a property.

Other clauses in the Bill will give the right to spray as well as to bait. Previously there was a right only to bait. In the future a person will be able to bait as well

as spray, and this will be of great benefit in helping to combat the fruit fly, because it has been found in modern times that large areas can be sprayed with speed and efficiency. The amendments in the Bill will help check the problems of infestation in Western Australia.

I think the main provision in the Bill is one which will enable the Minister, in circumstances where he considers it expedient so to do, to direct that a particular scheme be extended to an adjacent district and be amalgamated with a scheme already operating there, or which is to be introduced. By this means, the Minister said, the administration of baiting schemes will be improved and the duplication of committees and activities within a municipality, when separate areas desire schemes, will be eliminated. Those remarks of the Minister would lead one to believe that the provisions in the Bill are in the interests of economy, because two organisations will thus be able to amalgamate and there will be an overall control in such areas.

However, section 12A of the Act provides that where undertakings of this nature take place a referendum of growers concerned in the issue will be taken; and I wonder whether this extension of power to the Minister is in conflict with the section of the Act which requires that a referendum of those concerned shall be held. It is true that that provision in the Act has not been altered, and as a result I wonder whether the Minister may find that the clause in the Bill will be in conflict with the section in the Act when a group of growers is to be brought under this control.

It is something I would like to see cleared up because I would not like to see a clash in this regard.

The Hon. G. C. MacKinnon: There would have to be the normal referendum.

The Hon. W. F. WILLESEE: I thank the Minister for his help. If the normal referendum has to be held I cannot see where the additional powers the Minister will have will be of much value.

The Hon. G. C. MacKinnon: It saves having two committees, etc., in adjoining districts. If you have two adjacent districts, and there is a committee in one district and a referendum is held in the other, and a committee is established in that district, under the Act as it stands they cannot be amalgamated. Under this proposal it will be possible to have one committee and all the trucks and spray equipment can be used in both districts.

The Hon. W. F. WILLESEE: I appreciate that point and if, as the Minister says, the growers concerned will have to give an expression of opinion in the first instance it seems so sensible that it really should not need ministerial approval. It seems to be quite logical that this sort of thing should happen because it is the most efficient and by far the cheapest way to carry out the work.

I suppose the ultimate answer to ensure the elimination of fruit fly is to bring the whole State under some form of control in the course of time. However, one must be realistic and appreciate that in the few years this legislation has been in operation a great deal of success has been achieved, and it would not be possible overnight, or even after a short period, to introduce baiting methods throughout the whole State. Nevertheless, while we have a certain element who do not bait, and we have an element who try, a great deal of the good work that is done by the triers is undone by those who do so little. Therefore, any measure that will help to improve efficiency in dealing with this problem has my approval. I support the Bill.

THE HON. H. R. ROBINSON (North Metropolitan) [5.41 p.m.]: I support the Bill but I would like to make some comments regarding the appointment of committees, particularly in the metropolitan area. In the fruit fly report of the Department of Agriculture for the year ended the 30th June, 1966, the following appears:—

> The metropolitan area suffered a high degree of infestation throughout the year, commencing with loquats early in the season and continuing to the fig season in March-April. Infestation, though present, was much less in the Applecross Baiting Scheme area. Fruit fly on the "wing" were readily seen around citrus fruits in sunny weather during May-June. An encouraging feature was that when cover sprays had been used early and consistently, the major proportion of the crop treated was suitable for consumption.

The Act clearly sets out the responsibilities of the committees that can be appointed, but it is not an easy matter, at least in the metropolitan area, to have these committees appointed; and I am of the opinion that consideration should be given either to appointing the local authority, or the Department of Agriculture, as the body responsible for the actual spraying and the administration of the schemes.

In the Shire of Perth a poll was conducted in the districts of Maylands, Inglewood, and Mount Lawley. This was about 18 months ago, and the results of the poll were 1,963 totally in favour, 360 against, and 71 informal. After an affirmative vote the next action for the shire is to recommend four persons who are entitled to vote at the poll to the Minister for appointment to the committee which is to administer the scheme. The chairman has to be appointed by the Minister.

In this instance difficulty was experienced in getting people to serve on the committee, notwithstanding the fact that a number of advertisements were inserted in the Press, and Press releases were made by the President of the Shire of Perth in an endeavour to get people to act on the committee. Eventually four people reluctantly agreed to be nominated. A meeting was called but only two of the four nominated turned up.

To function properly, a scheme requires funds, equipment, and staff, and, in my opinion, the local authority concerned, or the Department of Agriculture, is best equipped to carry out this work. I discussed this matter with the shire clerk, Mr. Knuckey, last week and he claims that once a committee is formed the local authority is no longer interested in the project, but most residents are anxious that these schemes should get under way. In the districts of Scarborough, Hamersley, and Osborne many representations have been made to the local authority to hold a poll in those areas, but it is loth to do anything until the scheme is under way in the inner wards.

Accordingly, I make the suggestion in the hope that some consideration can be given to relieving this set-up of the committee carrying out the actual work. I think the proposition in the country is different from the metropolitan area, and I feel the matter should be given some consideration.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.46 p.m.]: I thank Mr. Willesee and Mr. Robinson for their remarks. I think I succeeded in allaying Mr. Willesee's fears by means of an interjection I made. The normal procedure will be followed, and it seems reasonable to assume that we will be able to save both money and effort. I liked Mr. Willesee's remark that the good done by triers is often undone.

I have very vivid recollections of a grapefruit tree which I possessed, and which I almost killed with all the spraying I gave it. In spite of this, however, I never got any grapefruit from it. Eventually I dug it up and gave it to a friend. About two years later a baiting scheme was introduced and now, of course, there is no trouble at all. Unless we have a scheme of this nature, we are likely to run into trouble, in any community. People do not neglect to spray deliberately; but they may go on holidays and then, of course, the fruit fly just take over.

The Hon. R. Thompson: Get rid of loquats and you will get rid of the fruit fly.

The Hon. G. C. MacKINNON: People have told me that if we get rid of figs we will get rid of the fruit fly. Mr. Robinson mentioned the question of committees, The work done by these committees is surely in the nature of a co-operative effort. Section 12 (c) of the Act lays down how the committees can get going. I was surprised to hear Mr. Robinson say that the local authority was no longer interested once the scheme was in operation; that it was then left to the committees. It seems to me that this should be a co-operative effort, and people should make their annual payments.

The Hon. H. R. Robinson: It is not their responsibility.

The Hon. G. C. MacKINNON: We may consider that many things are not our direct responsibility; we may shrug certain things off and say that they are the Government's responsibility. It is, however, possible for us to render assistance; and this happens with the local authorities in the country areas. I find it difficult to believe that it is not the case with the people in the metropolitan area. The shire councils have rooms in which to hold meetings.

The Hon. H. R. Robinson: It has gone on for 18 months, and yet nothing has been done.

The Hon. G. C. MacKINNON: I will bring the matters raised by Mr. Robinson to the notice of the Minister. If there is the degree of difficulty expressed by Mr. Robinson it is possible that this is reflected in every shire in the metropolitan area. I gather, however, that this is not the case. If the difficulty is isolated, and refers solely to the Shire of Perth then, perhaps, the Minister will have a look at it. As I have promised, I will bring the matter to the attention of the Minister who, perhaps, may be able to do something to correct this difficulty.

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.

BILLS (2): RECEIPT AND FIRST READING

1. Stock Diseases Act Amendment Bill.
2. Bread Act Amendment Bill.

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

House adjourned at 5.54 p.m.