THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [9.34 p.m.]: This is an interesting piece of legislation and I think it will clarify many of the Acts and the responsibilities of Ministers without causing any embarassment to future Governments.

It will be recalled that when the Ministry of the present Government was sworn in earlier this year no Minister for Railways was sworn in, which it was obligatory to do under the Act. This was discovered some weeks later. A Minister for Transport had been sworn in, and in normal circumstances I would agree he would be the Minister responsible for all forms of transport.

When we look at the Acts etc. relating to Parliament, we find the Public Works Act states that every railway shall be the subject of an Act of Parliament and that the responsible Minister will table a map, and so on. The definition of "Minister" in the Public Works Act states—

> "Minister" as regards all public works other than railways, and also as regards the provisions of this Act relating to the taking or acquisition of land required for railways, and the making of claims for compensation in respect of land taken for railways and the settlement or enforcement of such claims and relating to all matters incidental to the taking or acquisition of such land as aforesaid and to claims for compensation and the settlement and enforcement thereof means the Minister for Works appointed under this Act and also any member of the Executive Council acting as Minister for Works; but as regards railways, save and except as aforesaid, "Minister" means the Minister for Railways and any Minister of the Crown for the time being administering the Government Railways Act, 1904.

We find under the Public Works Act a responsible Minister must be appointed, but the verbiage I have just read does not make much sense in any case because the acquisition of land comes under the Public Works Act, and one Minister deals with the acquisition of land for the construction of a railway but another Minister administers railway operation. I hope in time that section of the Public Works Act will be tidied up.

I do not know whether all the Acts which specify Ministers at the present time have been covered in the Bill now before us, and I am certainly not going to the trouble to look through all the Acts of Parliament to find out whether they contain such a provision.

I think the general provisions of the Bill will be acceptable to everybody. When Ministers are sworn in in the future, they will be given the portfolios allocated by the Premier and will act responsibly in those positions. I think that is a far better arrangement than having a specific Minister who may resign or die, or whose portfolios may be changed, necessitating swearing in other Ministers. This is a departure from what we have been accustomed to. I raise no objection to it whatsoever, but I hope the Government has been careful to cover all the Acts, otherwise a few more Bills might come forward. I support the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.46 p.m.

Legislative Assembly

Tuesday, the 15th October, 1974

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

SECOND AUSTRALASIAN PARLIAMENTARY SEMINAR

Attendance of Delegates

THE SPEAKER (Mr Hutchinson): I wish to advise the House that delegates to the Second Australasian Parliamentary Seminar have virtually completed the Western Australian portion of their programme, and will be our guests this evening at dinner. Some rearrangement of table seating may have to be made to ensure that, as far as possible, one delegate is seated at each table.

After dinner it is expected that most of the delegates, from time to time, will be watching our proceedings from the Speaker's Gallery.

I propose, with the concurrence of members, to leave the Chair at 6.00 p.m. until 7.30 p.m. to enable those members who wish to mingle with the delegates in the general vicinity of the corridor and the bar to do so.

QUESTIONS (15): ON NOTICE

1. CITY FIRE STATION

Erection

Mr HARMAN, to the Chief Secretary:

(1) Are funds available this financial year for the erection of the new No. 1 City Fire Station?

(2) If not, why not?

Mr STEPHENS replied:

(1) No.

(2) Borrowing allocation available to Fire Brigades Board for this financial year is $500 000 which is insufficient to enable this work to proceed.

2. RAILWAYS

Interest Payments

Mr CRANE, to the Minister for Transport:

In view of the high interest rates currently being charged and the crippling burden this imposes on all facets of the economy, would he please advise—

(a) what is the sum of money paid in interest by the WAGR?

(b) what percentage of total WAGR expenses does this represent?

Mr O'CONNOR replied:

(a) For the financial year ended 30th June, 1974—$12 555 995.

(b) 14.95%

3. WATER SUPPLIES

Seabird, Green Head, and Leeman

Mr CRANE, to the Minister for Water Supplies:

(1) In view of the serious potable water shortage in some coastal towns of the Moore electorate, would he please indicate what water boring has been done by the Public Works Department for supplies for—

(a) town of Seabird in the Gingin Shire;

(b) towns of Green Head and Leeman in the Coorow Shire?

(2) If the answer is "none" would he please indicate when boring will commence?

(3) If water has been located, would he indicate the quality and quantity of the supply?

Mr O'NEIL replied:

(1) (a) None.

(b) Two bores have been drilled and screened and one has been pump tested. The second bore will be pump tested shortly.

(2) (a) Funds for general underground water exploration are available but other priorities will prevent a start at least until late in the current financial year.

(b) Answered by (1) (b).

(3) (a) Answered by (1) (a).

(b) Drilling and pump testing results to date indicate the source should be adequate with respect to quantity and quality for town supply purposes at Green Head and Leeman: however, a scheme to supply both these townships would involve 27 kilometres of water main and would be expensive.

4. ENERGY

Solar Farm Project

Mr MAY, to the Minister for Fuel and Energy:

(1) Is he aware of an award won by a fifth-year student at Hollywood Senior High School concerning the possibility of establishing a solar farm in Western Australia?

(2) Does he consider that the proposal could be viable?

(3) Has the Fuel and Power Commission conducted investigations into this type of energy source?

(4) If so, would he advise the result of the investigations?

Mr MENSAROS replied:

(1) Yes.

(2) No, not at present.

(3) Yes.

(4) As a result of the investigations it appears that this type of proposal is not likely to be viable for many years, despite current high oil prices.

5. TRAFFIC CONTROL

New Authority: Proposals

Mr T. H. JONES, to the Minister for Transport:

How many individual proposals for the setting up of a new traffic authority have been considered by the Government before a decision was finally reached as prescribed in the Bill currently before Parliament?

Mr O'CONNOR replied:

Four different structures were studied including the alternative of doing nothing; in other words, letting the *status quo* remain.

6. TRAFFIC CONTROL

New Authority: Expenditure

Mr T. H. JONES, to the Minister for Traffic:

What is the anticipated expenditure involved in setting up the new traffic authority?

Mr O'CONNOR replied:

The answer to this question will be given during the debate.

7. TRAFFIC CONTROL

Local Authorities: Police Takeover

Mr CARR, to the Minister for Traffic:

(1) How many town and shire councils have handed over control of traffic to the Police Department?

(2) How many town and shire councils still retain control of traffic within their areas?

Mr O'CONNOR replied:

(1) 35 from 1955.

(2) 87.

8. FITZROY CROSSING HOSPITAL

Resiting

Mr BRYCE, to the Minister for North-West:

Further to my question 36 of 8th October concerning the township of Fitzroy Crossing—

(a) when was the approach to the Australian Government made concerning financial assistance for the resiting of the hospital;

(b) have the amounts sought (as outlined in the answer to part (4) (b) in question 36 of 8th October) from the Australian Government for the resiting of the hospital been approved?

Mr RIDGE replied:

(a) The 6th June, 1974.

(b) Yes.

9. ALCOHOL AND DRUG DEPENDENCE

Counselling and Outpatient Centre

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Has the Government asked the Australian Government for financial assistance for the establishment of a counselling service and outpatient centre to deal with persons suffering from alcohol or drug abuse?

(2) If so—

(a) when was the request made;

(b) what is the nature of the request including amount asked for;

(c) has a reply been received, and if so, with what result?

Mr RIDGE replied:

(1) Yes.

(2) (a) The 21st August, 1974.

(b) Funds for rental of buildings, furniture and equipment, staff and incidental expenditure to be contributed on the basis 90% Commonwealth Government, 10% (operating expenses) or 75% and 25% respectively (capital expenses) Western Australian Government.
The total extimated costs were—

	$
Capital Expenditure	41 500
Operating Expenditure	147 766
	$189 266

(c) Verbal advice has been received that the proposal is likely to be approved. Confirmation is expected within a few days.

10. LAMB

Imports from the Eastern States

Mr H. D. EVANS, to the Minister for Agriculture:

(1) Does the Western Australian Government propose to amend the existing legislation to ensure that lamb carcases imported into this State are inspected and branded in accordance with the requirements set down for local lamb offered for sale by the Lamb Marketing Board?

(2) If so, when, and if not, why not?

Mr McPHARLIN replied:

(1) and (2) Current Commonwealth and State legislation makes adequate provision for lamb carcases imported into Western Australia to meet health requirements. Where lamb originates from a registered export works it is granted according to Commonwealth Department of Agriculture requirements which are currently those adopted by the Western Australian Lamb Marketing Board.

Grading is not normally carried out at non-export works.

The need for an overall provision will be examined in the context of new meat industry legislation currently under consideration.

11. TEACHING HOSPITALS

Bed and Outpatient Costs

Dr DADOUR, to the Minister representing the Minister for Health:

(1) What is the cost per bed per day in each of the teaching hospitals for September 1974?

(2) What is the average bed stay per in-patient in each of the teaching hospitals for the year 1973-74?

(3) What is the cost per out-patient service in each of the teaching hospitals for the year 1973-74?

Mr RIDGE replied:

	Fremantle Hospital	King Edward Memorial Hospital	Princess Margaret Hospital	Royal Perth Hospital	Sir Charles Gairdner Hospital
(1)	$79.02	$72.99	$60.19	$89.41	$88.96
(2)	7·9 days	7·1 days	6·0 days	*7·2 days	13·5 days
(3)	$9.55	$12.31	$17.17	$14.27	$15.96

* Excluding Mt. Lawley annexe and Rehabilitation Hospital. The average stay including all cases was 10·7 days.

12. PRE-PRIMARY SCHOOL CENTRES

Recruitment of Teachers

Mr BATEMAN, to the Minister representing the Minister for Education:

In view of the Premier's answer to my question 1 on Thursday, 10th October, advising the State Budget proposes to allocate $202 900 for the construction of four new pre-primary school centres—

(a) Is the Minister aware the present policy of the State School Teachers' Union of Western Australia is not to enrol five year old children in 1975?

(b) Where does he intend recruiting the teachers necessary to staff the pre-primary school centres?

(c) What qualifications will these teachers need to possess?

(d) Will these teachers be part of the Primary Division of the Education Department?

(e) If (d) is "Yes" then what action will the Minister take against these or any other teachers who comply with the decision handed down at the 1974 teachers' conference; i.e., not to enrol or teach five year old children in 1975?

(f) If these new teachers are not to be part of the Primary Division (which means they will not be eligible for membership of the WA State School Teachers' Union), what will be their conditions of employment?

Mr MENSAROS replied:

(a) Yes.

(b) From outside the Education Department, although any departmental teacher with the necessary qualifications could apply.

(c) Pre-school trained teacher status.

(d) to (f) Discussions have been held with the headmasters of the pilot schools and the President of the Teachers' Union. It is my intention that discussions proceed in an endeavour to resolve all issues.

13. HEALTH AND COMMUNITY WELFARE

Commonwealth Allocations

Mr DAVIES, to the Minister representing the Minister for Health:

(1) What amounts of money will be made available to this State during the current financial year by the Australian Government for health, medical and community welfare matters?

(2) Will he give details of the programmes for which the money will be made available; i.e., each project and the allocation?

Mr RIDGE replied:

(1) and (2) The following statement marked "A" gives details of Commonwealth grants for health and medical matters.

In respect of the Aboriginal health programme and the dental health programme, Commonwealth advice is awaited as to new projects. Pending final advice funds have been provided on the basis determined in 1973-74.

The statement marked "B" gives details of Commonwealth grants for community welfare matters.

"A"

Community Health Programme:

Locality	Project	Principal items of expenditure	Federal Grants
			$
Country areas	Home care services	Staffing, furniture and equipment	39 846
State-wide	Social work service for geriatric services	Staffing	26 730
Mandurah	Health centre	Staffing, premises, furniture and equipment	248 543
Busselton	Health centre	Staffing, premises, furniture and equipment	215 391
Perth	Community psychiatric services	Staffing	43 200
Perth	Domiciliary care for retarded children	Staffing	54 212
Perth	Aids for training of mentally deficient persons within the home	Aids	5 850
Country areas	Clinical teams	Staffing	31 683
Irrabeena	Clinic and Assessment Centre	Staffing	30 704
Pyrton	Day activity centre	Staffing	13 145
			$709 304

(The following projects were previously funded under the community mental health, alcoholism and drug dependency programme):

Bentley	Outpatient clinic	Staffing, premises, furniture and equipment	129 060
Inglewood	Outpatient clinic/day centre/special care day centre	Premises	454 500
Armadale	Dorset Hostel—accommodation for the mentally handicapped	Premises, furniture and equipment	91 500
Bassendean	Milford Hostel	Premises, furniture and equipment	210 000
Perth	Graduate welfare	Staffing	19 170
Perth	Research Assistant to undertake statistical research and evaluation	Staffing	6 390
			$910 620

Mental Health and Related Services Assistance Act:

Locality	Project	Principal items of expenditure	Federal grants
			$
Perth	Recovery groups in WA	Operating costs	22 600
Graylands	School of Nursing, Mental Health Services	Premises	5 400
Graylands	Combined hospitals welfare centre	Premises	27 000
Armadale	Outpatient clinic	Premises	250 000
Middle Swan	Outpatient clinic	Premises	250 000
			$555 000

Health Services Planning and Research Programme:

Clinical epidemiology unit and community health information and statistics project $110 000

"B"

Funds made available by the Australian Government for community welfare matters are $1 996 500. Tentative allocations for Aboriginal education hostels are as follows—

	$
Charles Perkins Hostel—Halls Creek—structural improvements	115 000
Gilliamia Hostel—Onslow—structural improvements	100 000
Hamilton Hill Hostel—structural improvements	4 000
Kalgoorlie Working Girls Hostel—landscaping	6 500
Morgunyah Hostel—Port Hedland—structural improvements	60 000
Nabberu Hostel—Leonora—structural improvements	72 000
Oolanyah Hostel—Marble Bar—structural improvements	67 000
Weerianna Hostel—Roebourne—structural improvements	100 000
Kyarra Hostel—Cue—structural improvements	50 000
	$574 500

	$
Assistance to deserted wives	1 402 000
Funds for operation of social policy planning unit	20 000

14. ENVIRONMENTAL PROTECTION

Cockburn Air Pollution Study: Report

Mr DAVIES, to the Minister for Conservation and Environment:

(1) Has the Cabinet sub-committee yet completed its consideration of the Cockburn Air Pollution Study?

(2) When is it expected the report will be tabled?

Mr STEPHENS replied:

(1) No.

(2) Towards the end of next week.

15. WATER SUPPLIES

Dunsborough and Quindalup

Mr BLAIKIE, to the Minister for Water Supplies:

(1) Further to question 20 of 10th October, would he provide details of proposals to improve existing water supply at Dunsborough?

(2) Can he advise who will undertake the survey to assess feasibility of the water scheme at Quindalup and when it is expected that the survey will be—

(a) commenced;

(b) completed?

Mr O'NEIL replied:

(1) $30 000 has been provided in the 1974-75 loan programme which will be expended on upgrading those areas of the Dunsborough reticulation most in need of improvement.

(2) The Public Works Department will undertake a survey to assess the feasibility of a water supply to Quindalup.

(a) Programmed to commence field survey late in this financial year.

(b) Some 2 months after commencement.

QUESTIONS (8): WITHOUT NOTICE

1. CLOSE OF SESSION

Target Date

Mr J. T. TONKIN, to the Premier:

Has the Premier decided upon a target date for the closure of this session of Parliament and, if so, is he prepared to comment on what that date will be?

Sir CHARLES COURT replied:

I have not at this stage decided firmly on a target date, but I had planned to discuss this matter with the Leader of the Opposition later in the week when I will be able to give an indication of the number of Bills still to be introduced.

Mr J. T. Tonkin: Thank you.

2. FUEL, ENERGY AND POWER RESOURCES LEGISLATION

Claim of Misrepresentation and Distortion

Mr MAY, to the Premier:

(1) Was the Premier correctly reported in *The West Australian* dated the 10th October, 1974, wherein it is stated that he informed 200 students at the Churchlands Teachers' College that the fuel legislation had been the subject of lies, misrepresentation, and distortions?

(2) Would he indicate if the alleged lies, misrepresentation, and distortions could be attributed to State members of Parliament?

(3) If so, would he state those parts of the legislation to which his allegations refer?

(4) With a view to clarifying the situation in so far as Parliament and the public are concerned, would he table the review of the senior counsel as authorised by the Government?

Sir CHARLES COURT replied:

(1) Yes.

(2) Misrepresentation and distortion could be attributed to some of them.

(3) New sections 41, 46, 47, 55, and 56, to name some.

(4) Not at this stage.

3. HOUSING AND BUILDING SOCIETIES

Government Funds: Availability

Mr HARMAN, to the Minister for Housing:

I have given some notice of this question, which is as follows—

(1) What funds are or will be made available to the State Housing Commission from—

(a) the State Government; and

(b) the Australian Government,

during this financial year?

(2) Of these funds, what amounts have been or will be made available to—

(a) the permanent building societies; and

(b) the terminating building societies,

during this financial year?

(3) What was the position relative to the above during the 1973-74 financial year?

Mr O'NEIL replied:

(1) (a) $650 000 for Aboriginal housing and the commission has an authority to raise $2 million on the semi-governmental market.

(b) $35.44 million under the Commonwealth and State Housing Agreement. Amounts available for armed services housing and aged pensioners' dwellings are not finalised.

(2) (a) Nil.

(b) $16.87 million.

(3) In 1973-74 the State Housing Commission was allocated $3.95 million from the General Loan Fund, including a $650 000 grant for Aboriginal housing. The commission also had an authority to raise $4 million on the semi-governmental market.

In 1973-74 the Commonwealth Government advanced $13 million for welfare housing, $191 000 for armed services personnel, and $307 000 for aged pensioners' dwellings.

In 1973-74 there was no allocation to the permanent building societies and the terminating building societies were allocated $3.9 million from the amount advanced by the Commonwealth for welfare housing.

I could add that the figures given in relation to this financial year include those amounts which this State managed to obtain as a result of a meeting with the Federal Minister in Canberra on Friday.

4. POLICE DIVISION AND STATIONS

Wanneroo Shire

Mr NANOVICH, to the Minister for Police:

(1) Are there any provisions for further police stations within suburbs of the Shire of Wanneroo?

(2) Alternatively, will a division be established?

(3) If a division is established, will it be in the Wanneroo townsite?

(4) What numbers will operate from the division?

(5) What is the timing?

Mr O'CONNOR replied:

I thank the honourable member for some notice of the question, the reply to which is as follows—

(1) Not at present, but it is proposed that police coverage will be provided as housing projects develop and population increases.

(2) A division has already been established.

(3) Yes.

(4) At present, 11.

(5) Depending upon the availability of personnel, police staff will be increased as population increases and the work load grows.

5. MUJA POWER STATION

Extensions

Mr T. H. JONES, to the Minister for Fuel and Energy:

In view of the concern being expressed in Collie regarding the rumoured curtailment of the building extension programme to be carried out at the Muja power station, will he kindly advise whether the programme has been reviewed and what are the alterations involved?

Mr MENSAROS replied:

In view of the lack of necessary loan funds which would be needed to accelerate the installation of the proposed Muja plant, work can proceed only at a rate sufficient to cope with the anticipated load growth. This will result in a delay of about one year in the programme.

6. MEAT

Beef and Sheep: Price Inquiry

Mr H. D. EVANS, to the Minister for Consumer Affairs:

(1) Has the Department of Consumer Protection conducted an inquiry into the present price of beef and sheep meat in Western Australia, with a view to determining the price differential between the amount being received currently by farmers for their stock and the price being paid by consumers in butcher shops?

(2) If so, are any of the margins of profit being made by stock farmers, abattoir operators, wholesale butchers, processors, or retail butchers considered to be excessive and to what degree?

(3) If an inquiry has been conducted will he table a copy of the report?

(4) If no inquiry has been made, will he initiate one?

Mr GRAYDEN replied:

I thank the honourable member for some notice of the question, the answer to which is as follows—

(1) No.

(2) and (3) Answered by (1).

(4) The complex lamb marketing report found no evidence that excessively high profits were being made at the wholesale or retail level. The inquiry in the retail sector covered all types of meat. Under the circumstances an expensive inquiry is not justified on the facts already at our disposal. The lamb marketing report is now being printed and should soon be available to all members.

7. CONSUMER PROTECTION

Shearing Implements: Withholding

Mr McIVER, to the Minister for Consumer Affairs:

(1) Is he aware of any reports that shearing hand pieces, cutters, and combs are being held in warehouses by firms who hope to take advantage of possible price increases?

(2) If "Yes", would he indicate the names of the firms and what action he proposes to take to have these items released on the market?

(3) If the answer to (1) is "No", will he have immediate inquiries made?

(4) If shearing hand pieces, cutters, and combs are available, will he advise from what source?

Mr GRAYDEN replied:

(1) No.

(2) Answered by (1).

(3) and (4) Yes.

8. HOUSING AND BUILDING SOCIETIES

Government Funds: Availability

Mr HARMAN, to the Minister for Housing:

My question is complementary to my earlier question relating to housing finance.

Notwithstanding the substantial increases in funds which the Australian Government has provided for housing, is it also a fact that the State Ministers for Housing, including the Western Australian Minister, were informed at the conference on Friday that if they could justify the expenditure of further finance the Australian Government would make that finance available to the State Governments, including Western Australia?

Mr O'NEIL replied:

Let me say at the outset that the Federal Minister for Housing has said repeatedly—and the previous Minister for Housing reiterated his statement—that if the States needed more money for housing all they had to do was to ask.

The previous Government applied for and obtained $13 million under the Commonwealth and State Housing Agreement for the

1973-74 financial year. When we became the Government I made an application for $29 million, taking the Commonwealth Minister at his word. The allocation to this State was $22.9 million, and the other States were similarly treated.

In other words, they did not receive all the money they asked for. At the Housing Ministers' Conference held at Port Hedland in June of this year, the Federal Minister was approached about this matter. At that time he indicated—and I use a phrase he frequently uses—that the Australian Government stands ready to receive applications for additional assistance.

On the occasion that we went to Canberra, every State was asked to supply to the Commonwealth full details of its building programme, together with information relative to the employment situation in the building industry, and the capacity of the State to consume more funds for housing. On that basis, the total amount of money sought by all the States was, in round terms, an additional $150 million. The Commonwealth made available $75 million, of which $50 million was specifically for allocation to terminating building societies to boost the housing programme and the building industry which is in a serious position. Of that sum of money, Western Australia was able to obtain $10 million, one-fifth of all the money available in that category. I will not go through the little exercise as to how we managed to come off so well, but I must say that I could not be unhappy about the amount of money made available, having regard for the size of the State. We were not so well treated in respect of the additional funds we sought to maintain the State Housing Commission's own programme which was in trouble because of increased prices due to inflation. We applied for something in the nature of $2.155 million to maintain the programme, allowing for increased costs, and for $1.6 million for additional work which we felt the State and the commission had the power to undertake. In respect of those two undertakings, the State received the sum—in round terms again—of $2.6 million.

The situation that presently obtains is that once again the Commonwealth Minister has said that the Commonwealth stands ready to consider further approaches from the States, and he indicated that it was unlikely there would be any variation at all in the allocation for at least the next two quarters. So at least there is a possibility that in six months' time the Commonwealth will give further consideration to approaches from the States with regard to their housing programmes.

While I am not unhappy with the amount of money Western Australia obtained—I think in total it was about one-sixth of all the funds available—I must say that the other States were not quite so happy. In fact, in general terms, the Ministers were concerned as they were led to believe all one had to do was ask for the funds, prove the capacity to use them, and the money would be available. Therefore, the Ministers were most disappointed that only about half of what had been requisitioned was made available to them.

Mr Bertram: Quite a good speech!

Mr McIver: A second reading speech.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ROAD TRAFFIC BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [4.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill gives effect to a policy undertaking given prior to the last election.

The measure brings together under one statutory entity all matters relating to the administration of traffic with the exception of highway engineering as it relates to traffic safety and, except as will be described, parking.

The long-term objective of the legislation may be described in these terms—

(a) To bring unity of purpose and direction to the performance of most of the many functions involved in the administration of traffic within the State;

(b) to increase the efficiency and effectiveness with which these functions are performed with a clear aim of achieving a significant reduction in accident rates;

(c) to provide a focus for research into all aspects of traffic administration—not just accident research;

(d) to create a forward-looking body which as a result of its own research and inquiries will lead Australia in traffic administration.

The legislation takes the form of a completely new road traffic Act repealing and re-enacting the existing Traffic Act, 1919-1974. In preparing the Bill, the opportunity has been taken to correct anomalies and inconsistencies in the existing Act. Those changes will be explained in some detail.

I am quite sure members will agree that a new Act such as this will be much more acceptable to us than the old Act with so many amendments. It was difficult to know where one was.

Part II of the Bill, to which I shall now refer, sets out the arrangements that are to be made to bring a Western Australian traffic authority into being.

During my discussion of part II, I will refer to a number of Government intentions which do not require to be mentioned in the Bill.

The method of the establishment of the authority has been carefully planned, and experience gained on the occasions when local authorities have surrendered traffic functions, and on the establishment of the Department of Motor Vehicles, has been fully utilised.

Clause 6 establishes the road traffic authority in quite usual and conventional terms, the important point being that the authority is an instrumentality of the Crown and a department under, and for the purposes of, the Public Service Act.

Clause 7 describes the composition of the authority and it will be noted there are to be seven members: the permanent head of the department; the Commissioner of Main Roads, because of his close involvement with traffic safety; the Commissioner of Police because of the skills which repose in his department in respect of law enforcement; the Director-General of Transport in order to exploit the co-ordinating role laid on him by the State Transport Co-ordination Act; and three persons appointed by the Governor on the nomination of the Minister, representing the Local Government Association of Western Australia, the Country Shire Councils' Association of Western Australia, and the Country Town Councils' Association.

Subclause 7 (4) provides for the appointment by the Governor of a member of the authority to be chairman. It is the intention of the Government to advertise for this person through the Press and by other means.

Clauses 8 and 9 are standard type provisions concerning term of office of authority members and meetings of the authority.

Clause 11 describes the functions and duties of the authority, and the terms of the clause are such as to reflect the Government's intention that the authority should seek to lead in the administration of traffic.

As well as giving the authority the expected functions, the provisions of paragraph 11(3)(c) impose a research responsibility on the authority and paragraph 11(4)(a) clearly requires the authority to keep itself fully informed of all developments and significant new knowledge arising from research over the whole field of traffic administration everywhere.

On the other hand the clause specifically directs the authority to avoid duplication and thus waste on research and like projects. It should also be noted that paragraph 11(4)(c) requires the authority to co-operate with local authorities so that existing local authority resources and facilities are not wasted when the authority is established.

In particular the authority is to co-operate in the matter of vehicle licensing and local authorities may be appointed as the authority's agent for that and associated purposes. In other words, it may be necessary for the Government to use the local authorities' premises. Naturally, we will negotiate to purchase equipment from the local authorities on a basis satisfactory to both parties concerned, whether the equipment be motor vehicles, radar equipment, or anything else.

The Government does not wish the authority simply to be an amalgamation of the existing law enforcement and licensing functions; instead it intends to create an effective, forward-looking body, the existence of which will be of marked benefit to the State.

Clause 12 of the Bill deals with the authority's administrative staff. It will be clearly apparent that they will be members of the Public Service in the same manner as members of the Police Force and in all respects subject to the Public Service Act, 1904. The clause proceeds to allow the Governor on request of the authority to engage specialist services such as might be provided by consultants or experts on a particular subject appointed for a short term, and the clause is particularly pitched at the authority's research responsibility to which I have already referred.

Subclauses 12(3) and 12(4) deal with the powers of delegation by the authority and are normal in situations such as this. It is particularly essential that the authority be able to delegate the powers to local authorities acting as its agents for vehicle licensing and associated functions.

Clause 13(1)—I suppose this is one of the most important clauses of the Bill—establishes a body known as the traffic patrol which will be the law enforcement arm of the authority and it should be clearly perceived in the clause that it is

the authority which is charged with the deployment and direction of the traffic patrol.

Clause 13(2) lays the responsibility upon the Commissioner of Police to arrange for the transfer of members of the Police Force for duties in the traffic patrol. A person must be a policeman to be a member of the traffic patrol. Before and after transfer in or out of the patrol, of course, the members are ordinary serving policemen, but there is clear separation of the patrol, in terms of its direction and deployment, from the Police Force. Their total work will be in regard to traffic, and traffic alone.

Mr T. H. Jones: It will have nothing to do with the police at all?

Mr O'CONNOR: I have said already that they are members of the Police Force. However, they will be under the control of the traffic authority. They will work under the conditions under which they now work, except that they will be better off because, with the additional numbers involved, promotion will be speedier.

Mr T. H. Jones: They will be under the control of the Public Service Board?

Mr O'CONNOR: No, as I said, the administrative staff will be under the control of the Public Service Board. To clarify the position, in cases of emergency—whether it be a riot or something of that nature—members of the traffic patrol may be called in and used in conjunction with the Police Department generally. However, the job we want them to do is to look after traffic.

Mr H. D. Evans: Will they transfer back and forth permanently?

Mr O'CONNOR: Let me instance a situation which might occur. If members of the traffic patrol picked up a motor vehicle containing stolen goods, they would hand it over to the Police Department to continue the investigation. The only job of the traffic patrol, except in special circumstances will be to look after traffic.

Council traffic inspectors who desire and are able to transfer to the traffic patrol are first to be appointed members of the Police Force. Thus they will receive the same conditions of service and the wider promotional opportunities as will all policemen transferred to the traffic patrol. The traffic patrol as so constituted is thus a body with a separate identity under the management of the authority.

It will be seen from subclause 13(3) that patrolmen have exactly the same powers as policemen and that they are engaged under precisely the same rules, regulations, agreements, and awards as are policemen.

Paragraph 13(3)(b) simply makes the point that any member of the Police Force, not transferred for duties with the traffic patrol, has the same powers under this Act or any other Act or law as if he were a patrolman. Any transfer from the normal law enforcement section to the traffic patrol or back must be with the prior approval of the Commissioner of Police. This is to ensure that the two quite distinct law enforcement bodies can not only work together when required but will work together in practice. For instance, members will understand that the existing Police Traffic Branch assists and co-operates with the Criminal Investigation Branch whilst in turn the Criminal Investigation Branch does not refrain from acting in the role of the Traffic Branch when it is necessary for its members to do so.

There would be no merit in having a distinction in the powers or authorities of the traffic patrol and the police through which criminals or suspected pesons could slip, either through there being a difference or by there being some gap in the overlap of duties, particularly in hit-run driver situations.

The eventual aim is that the authority will establish regional offices for all its purposes where it deems them necessary and it may enter into arrangements with local authorities or others in relation to accommodation or alternatively build its own.

Where there is no regional office, the authority staff will work out of police stations or shire offices by arrangement, and in addition, it is anticipated that many local authorities may be prepared to act as agents for the authority, thus eliminating inconvenience in smaller country centres. This of course would be mainly in connection with the collection of license fees and the like.

The Government undertakes to ensure that surplus local government staff transferring to the authority will suffer no reduction in salary or allowances. Persons transferring to the authority will carry prorata long service leave entitlements. Whilst many of the authority's country staff will already be housed in one way or another, the eventual aim is that the Government Employees' Housing Authority will be used to supply any additional houses required, to the extent this is possible under current GEHA arrangements.

The authority may lease houses or purchase them by arrangement from local authorities with their consent. The existing arrangements between the Police Department and the Police Union will apply to housing for patrolmen.

The desire of local authorities to retain distinctive numberplate prefixes is acknowledged, as is their desire to have local authority names shown on all documentation. Local and regional committees to advise the authority on local problems and issues may be established by local government bodies if desired. Their point of contact with the authority will be the board members representing local government.

The authority will make maximum use of the skill, experience, and facilities of the road safety division of the National Safety Council. The authority will not seek to duplicate the work of the road safety division; on the contrary it should seek to expand it and profit from it.

The authority will not determine or enforce parking policy in any local government area in the State except on arterial roads specified by the authority, such as Stirling Highway, where continuity of parking provisions is essential, or in areas where local government requests it to do so.

It is proposed, for this purpose, that the authority may employ traffic wardens for enforcing parking policy, rather than members of its patrol staff. When I speak of traffic wardens, I speak of people who look after school crossings and the like. Where, as above, the authority is to perform the parking function the Commissioner of Main Roads will be the parking sign erecting authority.

The authority for erecting traffic regulatory signs throughout the State will be the Commissioner of Main Roads who is to be an *ex officio* member of the authority.

The Bill, as previously mentioned, not only establishes a new authority, but also repeals and re-enacts entirely the existing Traffic Act, 1919-1974. Most of the provisions of the Traffic Act, 1919-1974, dealing with the licensing of vehicles, drivers' licenses and extraordinary drivers' licenses the various offences of reckless, dangerous and careless driving have been re-enacted in this new Bill with little change. Most of the changes which have been made are necessary consequences of the establishment of the new authority and thus a change in the licensing body. In particular, there has been no change in any fee imposed by the Traffic Act, 1919-1974, either for vehicle or drivers' licenses.

The opportunity has been taken to attempt a rationalisation of the penalties imposed for all offences created by the Act. In many instances the existing penalties have not been revised for many years and it is necessary to increase the monetary penalties to accord with modern money values. On the other hand, as will be seen later, there has been some reduction in the terms of imprisonment which may be imposed for certain offences to reflect modern-day sentences.

I will now explain the principal significant changes in the non-administrative parts of the Bill. Dealing first with the licensing of vehicles, there have been no changes either in the fees or in the categories of concessions available under the Traffic Act. The only new provision of any significance is clause 16 which is intended to prevent the operators of commercial vehicles licensed or registered in another State from operating their vehicles in this State for prolonged periods unless the vehicles have been licensed by this State.

The clause is designed basically to prevent commercial vehicle operators with interests in more than one State from resorting to the State for the time being having the lowest level of registration fees as the State in which they register their vehicles ordinarily being used in this State.

It is also to be remembered that Western Australian residents who happen to be involved in accidents with vehicles registered outside the State are inevitably put to much greater inconvenience in insurance matters, both for vehicle damage and personal injury and this is another reason why the clause is desirable.

It is to be noted that clause 16 has no operation to privately owned vehicles or to utilities, or to vehicles genuinely engaged in interstate trade and commerce.

Moreover, it is well appreciated that there are many circumstances in which it is reasonable for an interstate registered commercial vehicle to operate on the roads of this State without a Western Australian license and it is not intended to affect these operations.

Some examples are the interstate tourist buses and coaches brought to the State for a matter of weeks during the wildflower season, and the occasions in which a transport company may temporarily bring vehicles into the State to replace damaged vehicles or to meet temporary shortages.

In dealing with taxis, clause 17 of the Bill ensures that, outside the metropolitan taxi control area, municipal councils will retain their power to control the issue and transfer of taxi car licenses. This control is achieved by prohibiting the authority from granting or transferring a taxi car license without the consent of the council concerned.

The issue of driving licenses and the general regulation of traffic is dealt with in part V of the Bill. Here again, no changes are made in the fees payable for drivers' licenses or the conditions upon which they are granted. However, clause 48(2) will enable the authority to call in a driver's license holder where the authority suspects that he is no longer capable of driving a vehicle.

There have been fairly frequent occasions on which the Department of Motor Vehicles has had grounds for suspecting that because of a medical condition or personal injury a person is not able to drive safely, but under the present Act nothing can be done about the matter until the driver's license comes up for renewal. The authority will be able to suspend such a person's license if he or she fails to produce satisfactory medical or other evidence that he or she is still able to drive with safety; but a right of appeal is conferred by clause 48 (4) on any person aggrieved by the authority's decision to suspend his driver's license.

A special offence has been created of failing to identify the driver of a vehicle of which one is the owner at a time that the use of the vehicle has resulted in the death of or injury to a person. Here I might say that there have been a number of occasions where the police and others have been frustrated by the fact that an individual has been knocked over on the road and either killed or badly injured. In such an instance the driver of a car can continue on and leave that person on the road, put his car in the garage, and deny any knowledge of who was driving the vehicle. In a case such as this the penalty is $100 and it has been adjusted in this Bill.

The penalties for this offence which is created by clause 57 are substantial, but this type of offence which is inherently associated with hit-run driving, is a very serious one. The owner of the vehicle will of course not commit the offence if he is genuinely unable to identify the person who was driving his vehicle at the relevant time, and the prosecution bears the onus of showing that he has failed to disclose facts of which he is aware.

Clause 59 creates an entirely new offence of causing the death of or grievous bodily harm to another person by driving a vehicle in a manner or speed dangerous to the public. Such an offence exists in the laws of the United Kingdom—I refer to section 11 of the United Kingdom Road Traffic Act, 1960—and in the laws of other States.

This clause will replace section 291A of the Criminal Code which was enacted in 1945 with a view to establishing an offence of killing with a motor vehicle, but involving a lesser degree of negligence than does the offence of manslaughter. In the end the High Court held that the standard of negligence for the purposes of section 291A of the Criminal Code is the same as that for manslaughter.

Mr Hartrey: And so it ought to be.

Mr O'CONNOR: This is so and we are putting it into one Act instead of two. Thus the purpose of enacting the section was not achieved and moreover a curious situation was created wherein a jury has, in effect, the opportunity to convict a person of either of two different offences with different penalties on the same facts with the same standard of negligence.

It will be noted that proceedings for the new offence created by clause 59 may be tried on indictment before a jury or by a magistrate and according to the choice made by the defendant. As is customary the maximum penalties which a magistrate may impose are less than those available to a superior court trying such a case with a jury.

Some revision has been made of the provisions of the Traffic Act, 1919, dealing with driving under the influence of alcohol. The penalties have been modified slightly and the penalty for a fourth drunken driving offence has been substantially reduced to accord with the scale of penalties for other serious offences. No change has been made in the alcoholic percentages of 0.15 or 0.08 respectively, which have now been in the Traffic Act for some years.

At the moment a person whose blood alcohol concentration is found to be 0.15 per cent or more is statutorily deemed to have been affected by alcohol to an extent rendering him incapable of controlling his vehicle, not only just for the purposes of the drunken driving offence, but also for the purposes of offences such as manslaughter, occasioning grevious bodily harm by the use of a vehicle, etc.

The Bill proposes to alter that position so that the statutory presumption will apply only to the offence of drunken driving and thus it will be left as a matter for ordinary evidence to determine whether a particular blood alcohol concentration in fact rendered a person charged with any other offence unable to drive his vehicle.

There has been an extension of the classes of persons who may be required to have a preliminary roadside alcohol blood test, based on recommendations from the National Safety Council.

At present—section 32—a person must be reasonably suspected of either having been in an accident or committing an offence and also of having been driving under the influence of alcohol. Clause 66 would break the necessity to have two grounds of belief and provide that a person may be required to have a preliminary test if a patrolman reasonably suspects him of having been in an accident involving personal or property damage, or of having committed an offence against the Act or the regulations or of having driven with alcohol in his body.

Even then, as so widened, the provisions do not amount to random testing since there must be some external factor known to the patrolman at the time of requiring the preliminary test so that later at the time of prosecution the patrolman may swear that he had reasonable grounds to suspect one of these three things of the person concerned.

Some of the provisions of the regulations dealing with analysis of breath and blood for alcohol have been brought into the new Bill to overcome difficulties of a technical nature being experienced in the courts.

In particular, clause 71 statutorily recognises the presumption that blood alcohol concentration rises at the rate of 0.016 per cent for two hours immediately following a person's last alcoholic drink and thereafter declines at the same rate.

It is appreciated that that presumption is most likely to be marginally out in any individual case, but if breathalysers and blood analyses are to be used as part of the campaign to reduce drunken driving the only alternative is to take the approach used in most other States and in New Zealand whereby the blood alcohol concentration determined at the time of the test is conclusively attributed to the person at the time of the accident or alleged offence.

It is obvious that the approach taken in New Zealand and in other States is likely to produce substantial injustice, particularly when the person concerned is tested around about two hours after his last drink in a case where he was apprehended shortly after his last drink.

In such a case the test result is likely to be about 0.03 per cent more than his true blood alcohol level at the time of his offence and such an additional figure could be critical as to whether he is convicted or acquitted of the offence of driving under the influence or of the 0.08 offence. In my view the approach taken by the Bill is fairer as it is designed to ascertain and put in evidence the defendant's true blood alcohol concentration at the precise time of the relevant incident.

Where the time of the last drink or of the accident is not precisely known, the Bill directs that the calculations shall be made assuming the times which produce the least alcohol concentration; it thus takes the approach most favourable to the defendant.

The last major change incorporated in the Bill is the revision of all the laws of the State concerning the suspension, cancellation, and disqualification of drivers' licenses and the granting of extraordinary licenses. The present position is that laws on these subjects are found in the Criminal Code and also in the Traffic Act and there are many inconsistencies between their respective provisions.

The powers of the courts to disqualify drivers' licenses have been widened so that that power is available where an offender is convicted of an offence in which the use of a motor vehicle was involved although not necessarily an ingredient of the offence. Examples of these offences would be rapes involving the use of a vehicle, armed robberies in which vehicles are used, and so on.

One of the anomalies which presently exists is the divergency in the periods which people must wait after a disqualification before applying for an extraordinary license.

Mr Bertram: What clause is that specifically, please?

Mr O'CONNOR: I cannot think of it for the moment, but I will recall it later. I think this is one of the points the honourable member brought to notice some time ago and when we considered it we found two or three other anomalies and they are now all being adjusted at the one time. If my memory serves me correctly, the section the member for Mt. Hawthorn queried previously was section 33 of the Traffic Act.

The Bill proposes that there be no necessary waiting period so that in a suitable case a person who is disqualified by a court might at the same time ask for and be granted an extraordinary license for limited purposes.

If the principal ground for granting extraordinary licenses is to continue to be substantial personal hardship, there seems to be little merit in requiring three months' hardship to be undergone before an extraordinary license can be granted.

Also, at the moment, it is only the Supreme Court which can grant an order removing a disqualification from holding a driver's license, and clause 78 will enable any court which had disqualified a person from holding a license to entertain an application to remove that disqualification.

There are, however, substantial waiting periods before such an application can be made, although in the meantime, of course, the person concerned has the right to seek an extraordinary driver's license.

Part VII of the Bill deals with general offences and penalties and merits some explanation. There are many offences in this Bill and in the previous Act which impose higher penalties for second or subsequent offences.

It is necessary to provide that an offence against a section of the previous Act is to be treated as a previous offence against the corresponding provision of this Bill in order that the second and subsequent offence penalties may be imposed in the appropriate circumstances.

Clause 104 of the Bill so provides, and special provision along these lines is made in specific parts of the Bill, for the offences of drunken driving, driving with an alcohol concentration in excess of 0.08, reckless driving and dangerous driving.

On the other hand the Traffic Act has never contained a provision which "wiped off" offences after a number of years and in the Bill offences more than 20 years old will be discounted for the purposes of imposing penalties for second or subsequent offences.

Because the Bill will repeal the Traffic Act, 1919-1974, it is necessary to have transitional provisions along the lines set out in part VIII.

Clause 108 is a standard type of provision for this purpose, but clauses 109 and 110 are necessary to ensure that traffic inspectors in areas where the authority has not yet assumed the responsibility of traffic control will continue to enjoy their powers notwithstanding the repeal of the Traffic Act, 1919.

The major features of the Bill will help to consolidate the Traffic Act. We now present a concise Act that must be beneficial to all concerned.

The additional clauses regarding the apprehension of drivers must be advantageous generally to the public and will facilitate work for the patrolmen in apprehending offenders.

It should also make people more aware of the fact that if they are going to drink they should not drive, and I would hope that in cases such as this where people do drink, more will use taxis or means of transport other than self-driven.

In the past there has been an anomaly in the law where a person under the influence or otherwise has knocked a pedestrian down and either killed or severely injured him, has not stopped at the scene of the offence, but has driven home. When the police arrive at his residence, if he refuses to disclose the name of the driver of the vehicle, who was probably himself anyway, the penalty is $100. The hit-run driver may have left an innocent victim dead or dying on the road.

This has caused the police and myself some concern. It will now be adjusted to make the owner of the vehicle responsible for the incident unless satisfactory alternate information is provided.

The single traffic authority is in line with our election policy. It will—

Set up a seven-man authority.

I hope members will not, initially, confuse the authority with the patrolmen. The authority will also—

Allow local authorities to act as agents for license fee collections.

Set up a state-wide traffic patrol.

It will be necessary to swear a patrolman in as a policeman. He will then be covered by all present provisions and protections provided a policeman.

All current members should benefit by improved promotional opportunities.

It is the intention to employ all traffic inspectors at present employed by local authorities, negotiate for the purchase of equipment from local authorities and, where possible, use either local authority or police facilities; that is, buildings, equipment, etc.

Mr Taylor: Will they wear police uniforms?

Mr O'CONNOR: No decision has been made on them. The authority will make the necessary arrangements.

We believe road deaths and traffic generally are so important and are playing such a major role in today's living standards and conditions, that there is need for one authority to concentrate and devote itself full time to this aspect. This is probably our major difference with the Opposition which feels that police can do police duties part time and traffic part time.

Mr A. R. Tonkin: When you can separate the two.

Mr O'CONNOR: With the modernised method of crime and expertise of criminals we feel in the interests of the community it is necessary and beneficial to have one group concentrate entirely on crime detection and prevention and in so doing, adequately compete with the modernisation and expertise of those who wish to break the law.

So also do we feel the need to have modernisation and expertise in the field of traffic and with this new authority we trust many members will make traffic a career and pass on to the authority some of the initiative and understanding they have gained.

There will be no more fragmentation as there has been with the Department of Motor Vehicles which in itself has had some problems and disagreements with the traffic law enforcement body.

The opportunity will present itself to increase research with the help of the National Safety Council and it is also intended to provide special squads to lecture at all schools throughout the State. If we can reduce the road toll by this method, and I believe we can, the exercise will be worth while.

Patrolmen will be available in cases of emergency to assist the police, but their sole job apart from that is to endeavour to reduce our road carnage.

Costs have been mentioned as important in this area and certainly they are, but they are not the most important aspect.

Mr T. H. Jones: It was a different position so far as the Muja extensions were concerned.

Sir Charles Court: You listen. It will interest you greatly.

Mr H. D. Evans: Have you costed it?

Sir Charles Court: Yes. You will be amazed.

Mr O'CONNOR: The cost saving by accident and injury must also be taken into account in looking at the overall position and I believe in this field the saving will be substantial.

Several members interjected.

Mr O'CONNOR: Of course, if members looked at the Public Health Department estimate they would find it was about $137 million. This is where so much of our money goes. Members are aware of the fact that many of the hospital cases and costs are as a result of accidents.

However, the Public Service Board has taken out an assessment for me on different ways and means of implementing the

various systems for single traffic control, the two cheapest being—

(a) Progressive enlargement of the Traffic Branch of the Police Department to achieve State-wide control.

(b) The proposal I have outlined today.

INITIAL COSTS

	Police	New
	$	$
Capital	328 000	347 200
Radio	180 000	180 000
Equipment	208 000	216 000
Regional offices	600 000	600 000
Govt. housing	4 718 000	4 183 000
	6 034 000	5 526 200

Mr T. H. Jones: Yet to be proved.

Mr O'CONNOR: These figures were worked out by the Public Service Board, not by me. The Public Service Board was given the information and it supplied the figures without any interference.

Mr McIver: Will you give the calculations?

Mr O'CONNOR: I do not mind doing that; certainly. To continue—

OPERATING COSTS

Police	Authority
$2 100 500	$2 793 714

Of course, against this we must realise extra men will be on the road and this is the reason for the additional costs. As I say, it will give everyone in the Police Force throughout the State the opportunity of additional or improved and quicker advancement and promotion. However, the fact that these patrolmen will be employed full time on traffic should more than compensate.

The head office for the new authority would be the Department of Motor Vehicles. It is intended to place facilities for vehicles, special driver courses, etc., at Maylands.

I believe that if implemented, this new authority can assist considerably to lower the number of deaths, injuries, and accidents on Western Australian roads and, for this reason alone, I feel it is a very worthwhile exercise.

I trust members will see it in this light and give their support to the Bill.

Mr T. H. Jones: Before you sit down I wish to ask you a question. You have explained the general administrative requirements under the Bill. Would you explain in more detail the duties of the patrolmen as compared with policemen doing the same work?

Mr Taylor: Particularly in the small towns.

Mr O'CONNOR: The honourable member should know that the difference is that there will be one authority right throughout the State. Its job will be entirely traffic except in special circumstances. If, for instance, a traffic patrolman apprehends the driver of a vehicle which has a body in its boot, the patrolman will hand the matter over to the law enforcement group to handle the situation from then on. I commend the Bill to the House.

Adjournment of Debate

MR T. H. JONES (Collie) [5.36 p.m.]: I move—

That the debate be adjourned for two weeks.

Sir Charles Court: One week we agreed to.

Mr T. H. Jones: That is not reasonable in the circumstances.

Mr A. R. Tonkin: It has taken you six months to get the Bill to this stage.

Sir Charles Court: What was the agreement? Was this arranged before?

Mr O'Connor: Yes, for one week.

Sir Charles Court: We had a case the other day of no consultation.

Mr T. H. Jones: We will co-operate.

Mr O'Connor: I will take an adjournment for one week, and if there are any difficulties I will co-operate.

Points of Order

Sir CHARLES COURT: Mr Speaker, if the motion is to be for two weeks I will have to ask for your ruling on whether I could move an amendment because it is customary for the Opposition at least to do us the courtesy of arranging these things with the Minister.

The SPEAKER: In view of the circumstances, as there is some disagreement and some misunderstanding, I will ask the member for Collie whether he would like to reframe his motion to accommodate the suggestion made by the Minister for Traffic, which was in brief that the adjournment should be for one week and then if it were felt that a further adjournment should be allowed he would consider the matter at that juncture.

Mr T. H. JONES: With your indulgence, Mr Speaker, might I just explain—

The SPEAKER: The member for Collie must move—

Mr T. H. JONES: You asked me a question, Mr Speaker, and I am trying to answer it as quickly as I can.

The SPEAKER: The member for Collie is asking a question?

Mr T. H. JONES: Can I explain the position regarding the assurances I gave the Minister?

A member: No; you can't.

Mr T. H. JONES: In view of the size of the Bill and how long it has taken the Government to bring it to Parliament, I will have to press for an adjournment of two weeks.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: On a point of order, is it competent for me to move an amendment? I do not want to embarrass the member for Collie, but is it competent for me to move an amendment to reduce the two weeks to one week?

Mr T. H. Jones: There are 111 clauses without the schedule.

Sir Charles Court: Certain courtesies have been observed since the beginning of Parliament.

Several members interjected.

Mr T. H. Jones: You don't even know whether they will wear uniforms.

The SPEAKER: Order! I will leave the Chair in order to discuss the matter with my advisers.

Sitting suspended from 5.39 to 5.41 p.m.

Speaker's Ruling

The SPEAKER: I would suggest that the only course to be pursued is for me to put the motion for the longer time. If the Government does not wish to agree to that motion it may call for a division when the result of the vote is given. If the Government wins the division, it is possible for a member of the Government or the Opposition to move for the adjournment for a shorter time.

Mr HARTREY: Mr Speaker—

The SPEAKER: Order! The appropriate Standing Order is 339 which reads—

> When there comes a question between the greater and lesser sum, or the longer or shorter time, the last sum and the longest time shall be first put to the Question.

I would therefore suggest that the motion be put. Has the Premier or the Leader of the Opposition any further questions?

Mr HARTREY: I wish to ask whether we may debate the motion because it is of grave importance.

The SPEAKER: Order! The motion before the Chair prior to the short suspension was that the debate be adjourned for two weeks.

Mr T. H. Jones: That is right.

The SPEAKER: I propose to put the motion.

Mr HARTREY: I wish to speak in favour of it.

The SPEAKER: There is no debate.

Adjournment Motion Resumed

Motion put and negatived.

Points of Order

Mr A. R. TONKIN: As I am a new member, I am not familiar with the way business is conducted in this House and so I would like your guidance Mr Speaker as to whether it is quite normal for members to ask one another to go outside, or whether that is a breach of privilege?

The SPEAKER: Would you restate your question, please.

Mr A. R. TONKIN: Certainly. I want to know whether it is a normal part of parliamentary practice, when there is a disagreement across the Chamber, for a member of Parliament to ask another member outside.

Mr O'Connor: If they want a soft drink, it is all right.

Mr A. R. TONKIN: The member for South Perth having told me to shut up, and then having said, "Why not come outside?", I would like to know whether that is a breach of privilege.

Several members interjected.

The SPEAKER: Order! Order! I was outside the Chamber when this incident took place.

Mr A. R. TONKIN: No, Mr Speaker.

The SPEAKER: Well, I did not hear the incident which took place. It was disorderly in any case. However, on a number of occasions in this House I have heard one member invite another member to come outside.

Indeed, on one notable occasion I felt myself driven to say the same thing. I am happy to say I was not accommodated. I consider there is no need for any further action at this juncture.

Sir CHARLES COURT: On a point of order, Mr Speaker, could we have clarification of the next motion? My understanding is that if we on this side move, as you suggested, that the debate be adjourned for one week, on a strict interpretation of Standing Orders we could deny the Opposition unlimited time, and that is not our intention as far as the initial Opposition speaker is concerned.

The SPEAKER: I take the point of order. What the Premier says is quite true. It would be better for a member of the Opposition to move that the debate be adjourned for a shorter period in order that a longer period of time might be availed of by the Opposition.

Adjournment Motion Resumed

MR B. T. BURKE (Balga) [5.46 p.m.]: I move—

> That consideration of the Bill for an Act to consolidate and amend the law relating to road traffic; to repeal

the Traffic Act, 1919-1974 and for incidental and other purposes, be adjourned for nine days.

The SPEAKER: Order! I cannot accept the motion. I regard it as being frivolous.

MR McIVER (Avon) [5.47 p.m.]: I move—

That the debate be adjourned for one week.

Question put and passed.

Debate adjourned until Tuesday, the 22nd October.

Message: Appropriations

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

ACTS AMENDMENT (ROAD TRAFFIC) BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [5.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a complementary measure to the Road Traffic Bill which I have just introduced. It amends several Acts to recognise a change in the licensing authority brought about by the Road Traffic Bill and has associated purposes.

The amendments to the Criminal Code are necessary to reflect the proposed enactment of clause 59 of the Road Traffic Bill. Similarly, the amendments to the Coroners Act are intended to permit the Coroner to report a finding that the evidence at an inquest is sufficient to put a person on his trial for an offence against clause 59 of the Road Traffic Bill.

The amendments to the Motor Vehicle Dealers Act are designed mainly to reflect the fact that the authority and not the Department of Motor Vehicles will be the vehicle licensing body, but an amendment is included to section 27 of the Motor Vehicle Dealers Act to ensure that patrolmen and members of the Police Force will be able to enter and inspect vehicles and books at premises which are used for carrying on a secondhand truck business. In so doing the Bill will correct an anomaly which has existed since the enactment of the Motor Vehicle Dealers Act, 1973.

The amendments to the Motor Vehicle Drivers Instructors Act and the Motor Vehicle (Third Party Insurance) Act are designed solely to recognise the administrative changes effected by the Road Traffic Bill.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr T. H. Jones.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Mines) [5.52 p.m.]: I move—

That the Bill be now read a second time.

The Mines Regulation Act was originally enacted at a time when underground goldmining predominated in this State, and so the legislation was primarily directed at the control of that type of mining. Consequently, there are no specific provisions governing open-cast mining, quarries, dredging, railways on mines, smelters, refineries, or treatment plants.

In addition, some regulations require to be rewritten to meet changes brought about by the introduction of new mining methods with modern and sophisticated machinery, and also to bring them into conformity with relevant regulations in other States. Uniformity is being attempted where possible.

Accordingly then, this amending Bill has been framed with the object of—

(i) generally updating the Mines Regulation Act by including additional provisions for supervision, safety, and health in the various modern mining operations; and

(ii) providing power to make regulations for quarries and other surface mining operations, railways on mines, dredging, treatment, and processing works, special machinery developed for mining purposes, and the mining and treatment of radioactive ores for which there are no specific regulations.

Some confusion has existed as to whether a quarry is a mine for the purposes of the Act. It is intended that it should be a mine and this is being clarified.

In some civil engineering projects—that is, tunnelling and underground excavations—mining techniques are used and therefore it is appropriate that they may be made subject to the provisions of the Act. Accordingly, it is proposed that the Governor may declare any such project to be a mine and made subject to all or any of the requirements of the Act.

Administration offices, residential areas, and recreational centres, and the ground used in connection therewith, are outside the scope of the concept of mining and therefore these are being specifically excluded from the definition of a "mine".

With the present definition of a "mine" it could be argued that a person's backyard is a "mine" if a person digs therein for, say, sand or rock. This is being corrected by providing that to be a "mine" the operation must be for the obtaining of rock, minerals, or mineral substances for commercial purposes or for subsequent use in industry.

Under the present definitions an "inspector" included the State Mining Engineer and the Assistant State Mining Engineer, but these senior officers are not inspectors in the true sense and, therefore, they are being excluded from the definition.

The powers of an inspector of mines are being increased to authorise him, when inspecting a mine, to order the cessation of any work which is being performed in contravention of the Act and which in his opinion is dangerous or likely to become dangerous. At present the only power an inspector has in such circumstances is to prosecute the offender which is inadequate because obviously if the work is dangerous it should not be allowed to continue.

Section 13 of the Act provides that no person who is actually practising, either alone or in partnership with any person as a land agent, mining engineer, mining manager, viewer, agent, or valuer of mines, or acts as an arbitrator in any differences or disputes arising between owners, agents, or managers of mines, or is otherwise employed in or is the owner or part-owner of or interested as a shareholder in any mine within the State, shall be qualified to be a district inspector.

This is an all-embracing provision enacted many years ago, and is considered too stringent under present-day conditions. It is sufficient if the prohibition extends to an inspector not using information that comes to his knowledge, in the course of his employment, to his own personal gain in peril of a substantial penalty.

By clause 13 this concept is being substituted for the present provision and a substantial penalty of a fine of $1 000 or imprisonment for a term not exceeding two years, or both, is being provided in a substituted section 15.

A new division is being inserted dealing with the health of mineworkers. Presently the initial medical examination is pursuant to the Mines Regulation Act and subsequent periodical examinations are under the Mine Workers' Relief Act. This leads to some misunderstandings and so the procedures are being simplified by bringing the whole range of medical examinations under the Mines Regulation Act and the regulations thereunder.

In this regard, under the proposed regulations, mines will be classified according to their potential health hazard in respect of dust resulting from mining operations. There will be three classes; that is—

Class "A":

(i) Any underground mining; and

(ii) any surface operations for asbestos, manganese, lead, vanadium, talc, mica, or radioactive substances.

Class "B": Any quarry or surface mining operation other than in Classes "A" or "C".

Class "C":

(i) A surface mining operation or quarry which is worked for clay, gypsum, limestone, salt, natural sand, or gravel; and

(ii) a sinter plant, pellet plant, smelter, refinery, blast furnace, privately-owned railway built to transport the mine ore or material, and a wet sluicing or wet dredging operation.

The significance of this will be that men working on a class "A" mine will require to be medically examined every two years, as at present; those on a class "B" mine, every five years; and for those on a class "C" mine, no periodical examination will be necessary after the initial examination.

Sitting suspended from 6.00 to 7.30 p.m.

Mr MENSAROS: Under the present regulations under the Act a Mines Ventilation Board is constituted to operate as an appeal board in any case where the adequacy of ventilation in any working place in a mine is in dispute. This provision is being strengthened and extended by the establishment of a board—designated the ventilation board—under the Act.

The board will be constituted by—

(i) The State Mining Engineer who shall be chairman.

(ii) The Senior Inspector of Mines for the State.

(iii) Three persons appointed by the Minister, one of whom shall be an inspector of mines having specialised training in ventilation technology, one shall be a medical practitioner having specialised experience in occupational health problems relevant to the mining industry and nominated by the Commissioner of Public Health, and one shall be a scientific officer having duties under the provisions of the Clean Air Act, 1964, nominated by the Commissioner of Public Health.

The board is intended to be a technical body and its composition has been agreed upon by both the W.A. Chamber of Mines and the mining branch of the Australian Workers' Union.

The functions of the board are specified in detail in the Bill. It is sufficient to say at this time that its prime function will be to advise and direct on ventilation and related matters, including standards of purity for air, in work places in accordance with standards set by the National Health and Medical Research Council. In this regard the board will have discretionary power in respect of dust concentrations in surface mining operations. Also, the board will carry out the classification of mines as mentioned earlier.

In accordance with the existing section 25 of the Act an underground manager must be the holder of a first-class mine manager's certificate of competency if 25 men or more are employed underground. If fewer than 25 men are employed underground, and where required by a district inspector, the underground manager must be the holder of at least an underground supervisor's certificate of competency, provided that if that underground manager, in either case, is incapacitated or for any reason is absent, the registered mine manager or owner may appoint a competent person as a deputy underground manager irrespective of whether or not he holds a certificate. The period during which a deputy may so act is limited to four weeks, but with the sanction of the Minister the four weeks' period may be extended.

This is an unsatisfactory arrangement because with greater emphasis being placed on efficient management to reduce accidents, it is wrong to permit underground work to be under the control of an uncertificated man for any period at all. Accordingly this provision is to be deleted and replaced with a requirement that, irrespective of the size of the underground operation, the person in control as a deputy underground manager must be the holder of at least an underground supervisor's certificate of competency.

Similarly if 25 men or more are being employed in a quarry and explosives are being used, the existing provision requires that the quarry manager shall be the holder of at least a quarry manager's certificate of competency. If no explosives are being used despite the fact that 25 men or more are being employed—or, where fewer than 25 men are being employed, with or without explosives being used—and where required by the district inspector, the quarry manager must be the holder of at least a quarry supervisor's certificate of competency, provided that if the manager is incapacitated or absent for any reason, the owner may appoint a competent person, whether certificated or not, to be a deputy quarry manager. He then may so act for a period of four weeks or, with the sanction of the Minister, for a longer period.

As with underground mining, this is an unsatisfactory arrangement because with emphasis being placed on efficient management it is anomalous to permit quarry work to be under the control of uncertificated men for any period at all. Accordingly the provision is being deleted and replaced with a requirement that, irrespective of the quarrying operation, the person in control of a quarry as a deputy quarry manager must be the holder of at least a quarry supervisor's certificate of competency. Incidentally, the quarry supervisor's certificate of competency is being renamed to restricted quarry manager's certificate.

Still on the question of management, provision is being made that where a company has two or more operations separated by such a distance that in the opinion of the State Mining Engineer supervision and control by one certificated manager is inadequate, he—the State Mining Engineer—may require an additional certificated manager or managers. Under the present provisions a company would be complying with the law if it had one certificated manager, despite the fact that the company's operations are widely separated; and it is considered in these cases increased control and supervision is sometimes required.

In modern mining methods a large number of mobile machines are being used which require skilled operators, but there is no requirement under the Inspection of Machinery Act for these operators to be certificated. Due to the skill required in mining operations it is necessary to ensure that operators are competent, and therefore provision is being made requiring the operators to be trained and to qualify for a certificate of competency before taking control of such a machine. The provision will permit of a certificate being issued by a mine manager or by an inspector of mines.

Pursuant to the present section 47 of the Act, management is required to keep accurate up-to-date plans of the mine workings at the mine office if required to do so by an inspector. It is intended to strengthen this provision by making it obligatory on all mine and quarry owners to maintain up-to-date plans and submit copies thereof to the Minister on an annual basis, unless exempted in writing by a district inspector of mines. The plans submitted will provide an accurate record of the extent of mine excavations, etc., and as such will be a valuable contribution to departmental knowledge of the industry.

Section 55 of the Act provides for general penalties; that is, penalties for offences not otherwise specified in the Act. The present maximums are $200 for an offence by an owner and $40 for an offence by any other person. In view of the serious nature of some offences it is considered that on present-day values these maximums do not act as a sufficient deterrent and therefore it is proposed to raise them to $500 and $100, respectively.

In addition, provision is being made to provide a penalty for continuing offences; for example, an owner employing a person in a capacity which requires a certificated person, and that person is not appropriately certificated. In such a case both the owner and the employee are at fault and are liable.

It is proposed to amend section 61 of the Act to afford power to make regulations dealing with—

(i) The appointment and functions of inspectors. Presently the power is restricted to the "duties" of an inspector.

(ii) Railways on mines.

(iii) Dredging on mines.

(iv) The employment, training, and examination of persons having charge of machinery in or about a mine.

(v) The issue, suspension, and cancellation of certificates, permits, or other authorisations or exemptions required or permitted by the Act.

(vi) The drainage of mines.

(vii) The health, safety, and protection of persons engaged in the mining and processing of rock containing a radioactive substance.

In the cases of (ii) to (vii) there are no appropriate powers at present.

The practice of declaring some regulations to be general rules and to be posted at mines is being discontinued because the general rules amount only to a selection of the regulations with which mineworkers are primarily concerned, and it is now considered that no differentiation should be made. The necessary amendment is being made in section 61 (4), and this will include a provision that, as in the past, notices of applicable regulations will be available for posting at mines.

I have not mentioned some minor amendments, but these are more in the nature of being consequential or for the purposes of tidying-up or updating.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr Taylor.

Message: Appropriations

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

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR J. T. TONKIN (Melville—Leader of the Opposition) [7.45 p.m.]: The purpose of this Bill is to enable the salary of the Governor to be increased from $17 000 to $25 000 a year and to take effect as from the 1st May last. The Governor's salary has not been increased for a period of five years. Generally, it was the practice to give consideration to the Governor's salary after the tribunal had made a decision on parliamentary salaries. This should have been done in 1971, but was not done because the term of the then Governor—Sir Douglas Kendrew—was extended for a limited period by mutual agreement, and it was felt that no alteration in the salary should be made in the circumstances.

When discussions were being held with the present incumbent of the office it was pointed out that the Government recognised that the salary being paid was not adequate, and it was mentioned that a parliamentary tribunal would, this year, be considering parliamentary salaries and we should wait until that finding had been announced and, when it was, the Governor's salary would be increased, and there would be some retrospectivity.

This Bill meets that undertaking and if one endeavours to ascertain what is a fair figure naturally one would turn to the salaries being paid to Governors in other States, but one cannot get a clear understanding of the position, because the conditions applying are not constant in the States. In some States, in relation to the salary paid to the Governor, the Governor meets certain other expenses of the Governor's establishment. In other States the Governor is not expected to meet these other expenses out of the salary paid to him as the Government meets them. Therefore to make a straightout comparison of the figures being paid in each State would lead to an entirely wrong conclusion.

We have looked at the figure proposed and we think it is reasonable. We think, also, in view of the fact that the Governor's salary has not been altered for a period of five years, during which the salaries and wages of almost everybody else have been increased, that one could not reasonably expect the Governor to remain in this position at a salary less than that now being offered. I believe it is reasonable, in consideration of the terms under which the Governor accepted the position initially, that there should be some retrospectivity. So we on this side of the House support the Bill believing it is the correct thing to do.

SIR CHARLES COURT (Nedlands—Premier) [7.49 p.m.]: I thank the Leader of the Opposition for his support of the Bill. He summarised the position very well, and as we understand it to be. I am therefore glad there is mutual understanding and acceptance of the proposed adjustment.

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.

DISTRESSED PERSONS RELIEF TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR J. T. TONKIN (Melville—Leader of the Opposition) [7.52 p.m.]: The Treasurer has informed the House that the Distressed Persons Relief Trust has helped a number of people and has really justified its existence, but its operations have not been as expedient as they were expected to be because of a little difficulty which has occurred from time to time; that is, of being unable to obtain a quorum of the members of the trust so that the business could be attended to.

The only purpose of this Bill is to make an addition to the trust to facilitate the holding of meetings to enable the business of the trust to be more expeditiously transacted, and I do not think anybody will find any objection to that objective. It is most desirable that the business of the trust be facilitated so that its real intention can be more adequately fulfilled. Therefore we on this side of the House are pleased to support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd October.

MR T. J. BURKE (Perth) [7.55 p.m.]: When the Chief Secretary introduced this measure, he indicated, in his second reading speech, that the Bill was not designed to affect current standards, but rather, more effectively, to police the legislation at present on the Statute book. He also pointed out that the major provisions of the Bill were to allow the police to tackle the problem of obscene literature at points of distribution and publication.

We support the Bill. In fact, I can go back to the correspondence of the Minister's predecessor where some retailers suggested good ideas to police the Indecent Publications Act more effectively; that is, if it were to be policed at all.

In introducing the second reading of the Bill the Chief Secretary said that, in the past, legislation of this nature had secured the co-operation of the Opposition and that there had been little objection to the policing of it. I am not arguing against the principle of it at the moment, and the Chief Secretary can be assured that the Opposition will co-operate with him. Nevertheless, we expect Ministers, when presenting Bills, to give us all the information possible in their second reading speeches and thus give us a true picture of what the Government proposes in the legislation it is bringing forward.

The fact is that the only omission in the Chief Secretary's second reading speech was a reference to that which, in the minds of the Opposition, is the only contentious issue, and therefore there was an inclination to believe that the omission may have been purposeful. However, I will deal with that later. Dealing with the Bill itself, as I have indicated, it seems that, in large part, it will do what the Chief Secretary suggests; namely, to improve the policing of it.

Clause 4 of the Bill seeks to add films and tape recordings to indecent publications and I agree that this is probably necessary. Clause 5 involves distributors and publishers and seeks to increase the penalties slightly for retailers, significantly for publishers and distributors, and also seeks to include directors of publishing and distributing firms so that the people responsible can be pinned down where it can be shown there is a case.

I welcomed a move earlier this year—which was of great assistance to retailers—for the publication in the *Government Gazette* of what was considered by the committee to be restricted literature. Such a move will be improved by the provision of a secretary to the committee and by registration of persons who sell "restricted publications". I think this is the only sure method of ensuring that retailers get access to information of what is considered by the committee to be restricted literature, and also in regard to action taken from time to time on the subject of indecent publications.

I do not think we can object to the imposition of a registration fee of $25. In fact I see this as a protection for the newsagent; the sort of protection I have been looking for for some time on behalf of the people I represent.

I believe that the Bill, to that point at least, is quite acceptable to the Opposition.

I now refer to that clause in the Bill which I cannot accept. This is the clause to which, in his second reading speech, the Chief Secretary made absolutely no reference. In kindness to him I will say that he probably overlooked it, and I hope that this approach to the position is correct. We cannot accept this clause. In his second reading speech the Chief Secretary said that the chief object of the Bill was to improve the policing of the Act and to enable the police to tackle the problem of obscene literature at the source; that is, at the retailer or publisher level.

Mr Stephens: You mean the wholesaler, I take it?

Mr T. J. BURKE: At the source. At the present time the procedure is that a policeman goes into a retail establishment and purchases a publication he considers to be obscene. The charge laid is the selling of an obscene publication. Under

proposed section 12A (1) a policeman at whim will be able to enter any retail establishment in Perth. The provision reads—

> 12A. (1) Where the business of selling or distributing publications is carried on in any premises a member of the Police Force may, without further authority than this subsection, enter those premises at any reasonable time and search for and seize any publications which appear to him to be indecent or obscene.

At present at least the policeman is required to pay for the publication. He probably goes to his senior officer for the necessary funds and that, in itself, is a restriction on the policeman because it makes him consider his action. If this provision in clause 9 is included in the Act the result will be that a policeman will be able to enter a newsagent's premises at will. He will be able to go through the shelves and an extreme suggestion would be that he would probably drop in on a Friday afternoon, collect his weekend's reading, then drop it back on Monday morning and indicate to the newsagent that there was nothing obscene in the material. I say this with no intention to reflect on the force because I do not really believe it would happen, but it could.

Mr Stephens: You are wrong in that assumption.

Mr T. J. BURKE: The Minister's explanation will have to be good because I intend to press for the deletion of the clause unless the Minister can offer a very good explanation when replying to the debate. That is only a part of my objection. As I have said, at the present time there is some restraint on the policeman because he must buy the publication and that is an impediment.

In his second reading speech the Minister said he was trying to get at the source and that he was trying to protect the retailer from the awful imposition on him now to judge what is obscene. To remove the necessity for the policeman to purchase the publication is an unnecessary infringement on the rights of these people, particularly in view of the other restrictions applied under the legislation and to which the Opposition agrees.

Subsection (2) of proposed section 12A provides that when a justice of the peace is satisfied by complaint on oath sworn by a member of the Police Force that there are reasonable grounds for suspecting obscene literature is to be found on the premises, he may issue a warrant to authorise a member of the Police Force to enter those premises. The only difference in the two subsections is that one provides for the entry without a warrant to be at any reasonable time, which would probably mean during business hours. Therefore I suggest this provision applies particularly to retailers. The second provision enables the policeman to enter the premises at any time.

It is very easy for a policeman to get hold of a warrant when he suspects something is wrong, something illegal is being done, or something obscene is being retailed.

Mr Hartrey: Too easy.

Mr T. J. BURKE: As the member for Boulder-Dundas suggests, sometimes it is too easy. Proposed subsection 12A (1) is unnecessary and is damaging. The other provisions are good and just. It is quite easy for a policeman to obtain a warrant to enable him to enter a retailer's establishment during normal trading hours to glance at literature. As I have said, the proposals in the Bill are good except for this one provision and I request the Minister to delete proposed section 12A (1). Unless he can give some very good reasons for its retention, I am afraid we will have to oppose it.

The only other clause with which I wish to deal is clause 10 which amends section 14 in order to add certain immunities. This provision has a connection with my objection to proposed section 12A (1). The legislation will allow a policeman to seize on a whim, not necessarily with any justification, and he is given legislative protection. The clause states that a policeman may go into any retailer's establishment and, I presume, any wholesaler's premises.

Mr Stephens: It says that. It refers to a distributor.

Mr T. J. BURKE: That is so. He can go during normal hours at a reasonable time. Under clause 10 the legislation confirms an immunity given under proposed section 12A (1). I am sure that the liberty given the enforcement officer under proposed section 12A (1) is quite unnecessary in view of proposed section 12A (2). I therefore sincerely ask the Minister to reconsider this matter. Without proposed section 12A (1) the legislation would be quite acceptable to the public and, I am sure, would have the full support of the retailers about whom I am primarily concerned.

MR STEPHENS (Stirling—Chief Secretary) [8.08 p.m.]: I thank the member for Perth for his qualified support of the measure, and I am only sorry he could not go the whole way and also accept proposed section 12A (1); but I will deal with that provision in a moment. I would like to assure the honourable member that if I did not make reference to this provision in my second reading speech, it was not intentional, but was a genuine omission on my part. After all, this is the purpose of debates. Any points missed can be raised by any member and clarification can be sought. However, I would emphasise that the omission was not deliberate.

I would like to pay a tribute to the committee which has been functioning under the amendments introduced some 18 months ago by the present Opposition. I think we all agree—and I mentioned this during my second reading speech—that the debate on that occasion ensued in a spirit of co-operation. I must concede that the committee has been functioning well and I pay a tribute to the work it has done.

With your indulgence, Mr Speaker, I would like to read the standards it has evolved so that they will be recorded in *Hansard*. Then, perhaps in 100 years' time when people are reading the debate they will believe we have been very permissive in this day and age.

The SPEAKER: Is the quotation very long?

Mr STEPHENS: No, Mr Speaker, it is about half a page. In making its recommendations to me, as Chief Secretary, the committee has used the following guidelines—

1. Any publication which showed photographs of nudes in inoffensive poses, whether male or female, is not recommended for restriction or prosecution, provided it is free of other offensive matter as described below.
2. Serious sex manuals, including those showing sexual positions, have been recommended for restriction on the grounds that adults may have access to such material, but children and those who would be offended should not be exposed to this type of publication.
3. Mere eroticism has not been regarded as grounds for prosecution. Most publications of this kind have been recommended for restriction for reasons given in (2) above.
4. Where photographs of nudes place emphasis on genitals, the committee has usually recommended restriction for the same reason.
5. Where articles, photographs and cartoon drawings depict explicit sexual activity, the committee usually recommended restriction, unless the activity is perverted, involved children, involves incest, or has overtones of sadism and brutality, or is explicitly sadistic and brutal (whether sexual or not), i.e. hard core pornography, then prosecution has been recommended.

In following those guidelines, the committee has been effective inasmuch as to my knowledge it has been successful in every prosecution that has been launched. The standards have been good and are acceptable to the community.

I mentioned earlier that the amendments are designed basically to strengthen the policing of the Act and not in any way to alter the standards adopted. One of the problems has been the time lag between the purchase of an offending publication by a policeman, or any other individual for that matter—because it has always been the right of an individual to send publications to the committee through the Chief Secretary—and when the classification takes place so that the publication is recommended as a restricted publication or prosecution is recommended. Weeks can pass and during that time probably most of the material has been sold through the booksellers so the only result is that perhaps one or two unfortunate resellers are prosecuted while most of the material has been sold and dispersed throughout the community. The sale of material—particularly obscene material—has not been prevented. In my opinion this has been one of the biggest weaknesses of the legislation, but with the amendments in the Bill I think it can be obviated.

The principal objection of the Opposition to the legislation concerned proposed section 12A(1) under which a policeman at any reasonable time of the day would have the right to enter the premises of a business distributing or selling publications. I presume that normal shopping, trading, or distribution hours would be regarded as a reasonable time. The difference between proposed subsections (1) and (2) is that under the latter subsection the warrant would enable the police to go into any type of building, whereas under subsection (1) they are restricted to those businesses selling or distributing publications. Clearly they must be engaged in this activity whereas with a warrant the police can enter any type of building where an activity is pursued, sly or otherwise, but in which the business is not necessarily set up for reselling or distributing. That is the difference.

I am rather surprised the member for Perth has taken exception to this provision because it is very similar to provisions in measures introduced by the present Opposition during its term of office. A similar provision is found in eight Acts introduced by the then Government, these Acts being the Environmental Protection Act, the Aboriginal Heritage Act, the Community Welfare Act, the Construction Safety Act, the Noise Abatement Act, the Western Australian Products Symbol Act, the Sales by Auction Act, and the Motor Vehicle Dealers Act.

It is strange that this provision should be wrong when we include it in a Bill, although it was correct when the previous Government included it in a Bill. I will not go into the details of the other Acts

but I was involved in the debate on the Auction Sales Bill and I will mention it specifically to illustrate the point I am making. Section 28(1) of the Auction Sales Act states—

> 28. (1) All books, accounts, documents, and other records that are required to be kept under this Act by a licensee, shall at all reasonable times be open to inspection by any person duly authorized in writing in that behalf by the Minister either generally or in any particular case.

Section 30(3) of that Act states—

> (3) The provisions of section 28 apply, subject to this section, to any records relating to a sale of stock by auction, and any member of the Police Force of the State or person appointed as an inspector for the purposes of the Stock Diseases (Regulations) Act, 1968, shall be deemed to be a person duly authorized in writing for the purposes of subsection (1) of that section in relation to the records of any sale of stock by auction.

So it is stated quite specifically that a policeman is taken to be a person duly authorised by the Minister.

Mr T. D. Evans: But that does not give the policeman the right of general search. He is on the premises in relation to records.

Mr STEPHENS: It relates to the books themselves—to what may be regarded as obscene publications or what may be classified as restricted publications. The member for Perth said a policeman could wander into a retail shop on a Friday afternoon, pick up half a dozen books, and take them home for weekend reading. That is not so. Provisions are laid down in the Bill which the policeman must follow. Once having confiscated the books which he considers to be obscene, he must deliver them forthwith to the committee for classification.

Mr T. J. Burke: That could be on Monday morning.

Mr STEPHENS: But he must take the whole lot—not just one copy but all the publications. This is the advantage of the provision because until such time as the committee makes a recommendation, which may or may not be approved by the Minister, none of the questionable publications is available for sale. It is not possible for them to be distributed or sold into the community until a decision is made.

Mr Skidmore: So by confiscation of the lot, a publication is considered to be obscene before there has been any chance to prove to the contrary.

Mr STEPHENS: The policeman must follow certain procedures, and the situation is only temporary. The publications must go before the committee, which then makes its classification. If the committee decides no action should be taken, the publications will be returned forthwith to the owner.

Mr Skidmore: A publication which was not obscene could be lost to the seller. You are restricting his right to do business.

Mr STEPHENS: Only temporarily, but if the legislation is to work properly in the way the public demand that it work, until such time as a decision has been arrived at the publications should not be sold.

Mr T. J. Burke: Why cannot the policeman just take out a warrant to do that?

Mr STEPHENS: I have already made that point. Another eight Acts have a similar provision.

Mr T. J. Burke: Those Acts do not contain a provision for a warrant.

Mr STEPHENS: This Bill has provision for a warrant. The policeman can still go into the places for which a warrant has been taken out.

Mr T. J. Burke: The next new subsection in the Bill provides for a warrant.

Mr STEPHENS: But they are two different situations. The second provision covers people who are not necessarily engaged in the selling or distribution of publications and is a general provision; whereas the first provision relates specifically to those involved in that area.

Mr T. J. Burke: One clause could cover the lot. It would be so easy to require them to obtain a warrant and cover the lot in one clause.

Mr STEPHENS: I do not see any objection to this provision. It is no different from the provisions contained in other Acts.

I think I have been sidetracked into speaking more on Committee lines rather than in general debate. However, I thank members of the Opposition for the qualified support they have indicated and I trust we can resolve the matter to our satisfaction in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Stephens (Chief Secretary) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 12A added—

Mr T. J. BURKE: The Chief Secretary has not proved the necessity for this proposed section. He has tried to distract the Chamber by referring to similar provisions in other legislation, overlooking the fact that the proposed subsection (2) in this clause requires the swearing of a warrant. I suggest the proposed subsection (1) is completely unnecessary.

I have pointed out that it is very easy for a policeman to obtain a warrant, and by such a requirement we remove any possibility of human frailty and perhaps vindictiveness on the part of a policeman towards a particular retailer, which has happened in Perth, when, as has been suggested to me, a retailer stands up to the police. In the past a retailer might have had good reason to do so because he did not have the list of restricted publications in the *Government Gazette* to which he now has access.

The legislation will be very fair if it keeps the retailer *au fait* with what the committee considers should be restricted. A problem will arise if we give policing authorities an open slather by allowing them to pass their own judgement on publications and literature without having recourse to another authority and without any restriction. In the past the restriction placed upon them was that they first had to buy the publication and then sustain before the court a charge of selling literature which was obscene.

In the proposed subsection (1) we give the police complete authority to pass their own judgment on a publication. In the next proposed subsection we give a wider authority, which can encompass the authority conferred in the first proposed subsection. I do not see why the Minister cannot agree that proposed section 12A(2) covers the requirement completely. I urge members to oppose proposed subsection (1) because it is unnecessary verbiage in the Bill. The requirement that a warrant be obtained places the operation of the policing authority on a more serious level which will ensure that the legislation does what we want it to do; that is, to ensure that retailers are protected and that the public of Western Australia have more or less unfettered access to literature which is on the market.

In my opinion it is most important that retailers, newsagents, and the little corner stores be protected. Tonight's issue of the *Daily News* contains a report that three newsagents in Geraldton have been fined $700 between them under the existing legislation.

Mr HARTREY: I applaud the argument put forward by the member for Perth and his insistence on reference to a warrant. I appreciate the Chief Secretary's distinction between the objectives of the two proposed subsections. It is reasonable that a large quantity of what may be grossly obscene literature should not be disseminated amongst the community while the committee is sitting in judgment on it. On the other hand, there is no sense in allowing an ordinary policeman to wander into a reputable shop and seize goods simply because it is a newsagency. From the way the Chief Secretary spoke, one would think publishing houses and newsagencies were not reputable. He said the distinction between proposed subsections (1) and (2) was that (1) related to particular premises, but surely there is no stigma attaching to people who sell these publications.

The member for Perth stressed the fact that it is very easy to obtain a warrant. Unfortunately, that is so, and I do not regard it as being necessarily a good feature. The way proposed subsection (2) is worded, it would not be very easy to obtain a warrant, and it should not be very easy. It reads—

> Where a justice is satisfied—

The justice is not just told to do something. He must be actually satisfied. It continues—

> —by complaint on oath—

Not the mere say-so of a policeman, but on his oath. It continues—

> —that there is reasonable ground for suspecting . . .

That does not mean the obtaining of a warrant should be easy. Unfortunately, those precautions which are prescribed by Statute are not always taken. Justices are too much inclined to do what policemen ask them to do. This provision could be carried out in the perfunctory manner in which so many other police functions are discharged.

I have been for many years a criminal lawyer, and all my life I have been an ardent supporter of the rights of the subject. I do not think it is proper that any ordinary constable or even the Commissioner of Police should have the right to walk into my shop and say, "I will take that, judge it, and take it away from you while someone else decides whether or not I am doing the right thing." A warrant should be required. I can see no common sense in saying the policeman must have a warrant which has been issued by a justice who is satisfied by complaint on oath sworn by a constable, in order to take indecent publications from some places when he can walk into a respectable person's business and take them without a warrant.

Where does that make any sense? I am not trying to be sarcastic, or to score a point. I know members opposite are concerned about the liberty of our fellow citizens, and I ask them to put the same safeguards in the first proposed subsection as they are willing to put in the second. Why should there be a serious requirement to protect the liberties of some people in proposed subsection (2), and no requirement to protect the liberties of specified persons in proposed subsection (1)?

For goodness sake, we are all human beings. This is not a party political measure. I appeal to the Minister to withdraw his opposition to our suggestion of requiring a warrant to be issued under proposed

subsection (1), when he is quite willing to include this provision in proposed subsection (2).

Mr A. R. TONKIN: I wish to speak briefly in support of the member for Perth and the member for Boulder-Dundas. I remember in another issue before this Chamber the point was made that in matters of this kind we must walk the line between making the job of the authorities to get prosecutions fairly simple but at the same time looking after the rights of the subjects. During the discussion on the amendments to the Police Act, the Opposition suggested changes and the Minister for Police was pleased to accept these. This led to a decent kind of compromise. The same course is open to the Chief Secretary now. We are anxious to provide that unsatisfactory publications are not sold with impunity; nevertheless, we must remember the rights of the individual. The proprietors of bookshops have these rights also.

Proposed subsection (2) provides for the swearing of a complaint in order to obtain a warrant. Why then should this arbitrary power be given to the police in proposed subsection (1)? A policeman taking action under this provision would be open to the suggestion that he was venting his spleen on a particular bookseller. It is not good enough to say there is no question of that: the opportunity must be seen not to be there for such a charge.

It should be quite clear that when a policeman acts he has at least satisfied a justice in theory that there are reasonable grounds for obtaining a warrant. Although the Minister does not belong to that celebrated party, most members opposite call themselves Liberals, and this suggests that they are concerned with the liberty of the subject. Therefore, they should protect the subject by agreeing to the deletion of proposed subsection (1).

Mr SKIDMORE: I object to the inclusion of subsection (1) of proposed section 12A. The Minister referred to the Construction Safety Act, and he said that certain provisions were inserted into this Act in respect of powers of this type. I mention this to illustrate the big difference between the powers given to an inspector under that Act and the powers which will be given to policemen under the proposed subsection we are discussing. Under the Construction Safety Act an inspector may enter premises, but very clear and well-defined criteria are set down upon which he may act. The regulations under that Act establish, without any shadow of doubt, the manner in which an inspector may undertake to see that the safety of the workers is looked after. On the other hand, when we look at the powers of the police under proposed subsection (1) we find that no criteria could possibly be laid down as to whether or not a publication could be considered obscene. We must rely on the policeman's observation in this case. It is an unfair inference to say that we should accept this proposed subsection because of the provisions in the Construction Safety Act.

I agree with the member for Perth that the decision as to whether or not a publication is indecent or obscene should not rest on the individual policeman. A policeman may find it very difficult to decide this question, but if he is instructed to carry out this activity, he would have to make a decision. However, under proposed subsection (2), he must swear before a justice that there are reasonable grounds to take such action, before the issuing of a warrant. We must adequately protect the public to see that there is no pernicious activity on the part of the police. I am worried that this proposed subsection places the onus on the police.

Mr STEPHENS: It looks as though our co-operation has broken down. Various points have been made, but I will refer to the last one first. I mentioned the Construction Safety Act but perhaps I did not make it quite clear that I was referring specifically to the power to enter premises without warrant. I was more specific in regard to the Sales by Auction Act because I have had experience with this legislation. I said that under this Act the police had the power to enter premises to check books. If they wanted to, they could swear out a warrant under the legislation.

Mr Hartrey: But they cannot take the books away.

Mr Taylor: They need a warrant to take them away.

Mr STEPHENS: That is right, but the inspectors may enter premises to find out what is happening. In this legislation the police have a certain course of action to follow when they believe that certain publications are obscene or indecent. These publications must be referred immediately to the committee for it to pass judgment. When the committee decides that no action is to be taken, the books are returned immediately.

Mr Taylor: Do they leave a receipt?

Mr STEPHENS: The member for Boulder-Dundas said that this provision is a reflection on newsagents. I want to make it perfectly clear that this was never the intention. Proposed subsection (1) refers to people engaged in the selling or distribution of publications. However, proposed subsection (2) is a more general provision. Proposed subsection (1) provides that the premises may be entered at any reasonable time, and we assume this to be the normal hours of business trading.

Mr Taylor: As long as the doors were open.

Mr STEPHENS: Yes. One of the areas in which the provision in proposed subsection (1) will be particularly useful is in

policing the distribution of the publications. The member for Boulder-Dundas referred to the necessity for the policeman to obtain a warrant, and I suggest this time factor would act against the police. Distributors are continually turning over their publications—some come out weekly, and some monthly. How could anyone swear that he reasonably believed obscene publications were held by the distributor if he has no means of access to the distributor's premises?

This would not be any policeman, as the member for Boulder-Dundas has said. This would be a member of the liquor and gaming squad.

Mr Hartrey: How could those policemen be better than anybody else? They may be worse?

Mr STEPHENS: The Traffic Act may be enforced by any policeman, but it is usually the traffic police in the metropolitan area who enforce it. Even if I am unable to convince the Opposition that this clause should be retained, it is equally true that the Opposition has not convinced me we should delete it.

Mr Hartrey: You are better informed now, anyway.

Mr T. J. BURKE: I am pleased that I had reasoned support for my contention that this proposed subsection should be deleted. The Chief Secretary has not answered my arguments. We believe proposed subsection (2) would cover quite adequately all that is necessary. I move an amendment—

Page 7—Delete subsection (1) of new section 12A.

Amendment put and a division taken with the following result—

Ayes—17

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Harman
Mr Bryce	Mr Hartrey
Mr B. T. Burke	Mr Skidmore
Mr T. J. Burke	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr Davies	Mr J. T. Tonkin
Mr H. D. Evans	Mr McIver
Mr T. D. Evans	*(Teller)*

Noes—22

Mr Blaikie	Mr McPharlin
Sir David Brand	Mr Nanovich
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
	(Teller)

Pairs

Ayes	Noes
Mr Jamieson	Mr Cowan
Mr Moller	Mr Mensaros
Mr Barnett	Mr Clarko
Mr May	Mr Rushton
Mr T. H. Jones	Mr O'Connor

Amendment thus negatived.

Clause put and passed.

Clauses 10 and 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

SOIL CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

MR H. D. EVANS (Warren) [8.49 p.m.]: The amendments to the parent Act are not of great moment or magnitude. However, the parent Act deals with a problem of the first order; I refer to the state and preservation of the agricultural and pastoral lands of this State. The Bill itself has four proposals: Firstly, it seeks to appoint a deputy soil commissioner; secondly, it seeks to appoint a deputy chairman of the Soil Conservation Advisory Committee. These are matters that probably should have been attended to many years ago, if not at the time of the introduction of the original legislation. The third point is that the Bill seeks to extend the membership of the Soil Conservation Advisory Committee; in the Committee stage, I intend moving the amendment I have foreshadowed on the notice paper. The fourth amendment in this Bill relates to updating certain references in the Soil Conservation Act. Again, these amendments are comparatively minor but are essential to the proper operation of an Act of such importance.

The Opposition does not intend to object to or inhibit the passage of this legislation. Soil conservation is a question of fundamental importance and is the responsibility of everyone, particularly members of this House; it is of importance to every person in the community, and the nation as a whole.

Incidentally, the debate on the initial legislation was very lengthy. It was introduced by the Hon. F. J. S. Wise and the Opposition speakers of the time were the Hon. A. F. Watts and the Hon. D. R. McLarty. The debate was conducted in an atmosphere of appreciation and cooperation, as is proper and fitting for a matter such as this; such an attitude should be maintained. The first volume of *Hansard* for 1945 contains the debates in their entirety and they are of considerable interest and help one gain an appreciation of the wisdom of members of this Chamber of the time. The debate was conducted in a most commendable spirit; it sought to achieve public confidence and, to a large degree, it succeeded.

This attitude has permeated the whole operation of the Act; the broad political spectrum has been the motivating force. The purpose of the Act was not to harass but rather to educate farmers and the public at large in matters of soil conservation.

At the same time, it recognised that its purposes would not be achieved readily and, as a result, fairly stringent provisions—real teeth—were included in the compass of the legislation. However, as I said, the whole approach was one of education rather than of compulsion.

The original concept of the parent Act was to repair the deleterious effects of agriculture on the land, particularly in the wheatbelt areas, and to preclude or at least to minimise the impact of any further development in the agricultural-rural areas. It also sought to control the release of land or, once it was released, to ensure that it was used in a proper manner. The legislation emanated from the 1930s, when widescale settlement in many areas of the State was well and truly under way.

The original debate covered probably the broad examples of maltreatment and misuse of agricultural land the world had known. Various speakers referred to the dust bowl of the United States of America and to the Wimmera and Mallee districts of Victoria. The House was even given an account of the mountains of New Zealand being tinged with pink on occasions after particularly heavy dust storms in south-east Victoria. Reference was also made to the Ord River area; I believe we should look more closely at this area and perhaps we will as the debate progresses. In all, the debate viewed the broad perspective of man's history in agriculture, and the shocking devastation that has been created around the world, in the Mediterranean area and in other places.

As I said, I suspect the motivation of the parent Act was precipitated by the deleterious effects of the expansion in cereal growing which took place between the two world wars. It is understandable that in the depression period following World War 1 the accumulated effects of the shortage of fertiliser, the lack of fencing and a lack of appreciation of erosion, and poor husbandry and management methods developed a situation where action was required and which finally manifested itself in the parent Act to which I have referred.

The Act was fairly broad and farseeing for its time. It is rather interesting to observe that the field of conservation has involved many sagacious officers in Government departments over many years. The officers of the Forests Department have had as their main objective the conservation of our forests; the officers of the Lands Department, many years ago, set aside areas which are now available today and which otherwise would not have been available had these officers not looked to the future and shown a degree of appreciation for future requirements which one would not have expected. The officers of the Department of Agriculture developed and operated an Act of this type which, in many ways, probably was far ahead of its time.

The parent Act established the State Soil Advisory Committee, with provision for district advisory councils. Administration was made the responsibility of a commissioner who, of course, was answerable to the appropriate Minister. As I have already mentioned, the accent of the legislation was on education and investigation rather than compulsion and harassment. The Act contains most important powers, which are widesweeping in their application and are still available to the Minister today, if the situation were considered to require their enforcement. The Minister has powers to acquire land for conservation reserves; this in itself covers a multitude of situations. The Minister also has powers to declare areas of erosion and, of course, this power has been put into effect, and has invoked controls, where this has been deemed necessary.

I point out that the Act contains a right of appeal by the farmer against the use of this power. It also contains a safeguard in that the approval of both the Minister and the commission is required for the implementation of this provision. It is interesting to note that two districts were proclaimed under these powers. This occurred in the wheatbelt, after World War I. The restrictions imposed a three-month requirement of notice before clearing and felling proceeded. This had several beneficial effects, and such a provision could well be implemented in this day and age.

The requirement to give three months' notice enables farmers and extension officers to enter into a much more detailed and careful planning of the land under consideration. This is most important. In this particular instance, this might not have been done but for the existence of the provision in the legislation. Indeed, on many previous occasions it was not done, with disastrous results in some areas.

In the area concerned was found a cover of banksia and prickly pear growing in deep yellow sand which lends itself to sand drift, and sand drifts became alarmingly common in that particular region. The educational process which resulted from the implementation of this requirement led to a very substanital practice, which developed much better husbandry of the land. The approach to lay farming methods was adopted, rather than developing the old techniques of fallowing. So, too, was the adoption of contour methods which otherwise were regarded with the general conservative outlook which most farmers and people display. It did hasten that process of education and an acceptance of methods which were much more suitable and adaptable to the particular area. Of course, this had a spreading effect; and it was taken up in other parts of the wheatbelt and agricultural areas.

The Act contains no actual provision for dealing with salt encroachment, and does not provide powers over salt encroachment; neither is there any mention of this in the amendments. The question of salt was raised in the original debates. At the time it was felt that it was not necessary to bring within the compass of the Soil Conservation Act the control of saline areas of the wheatbelt.

The Act specifies salt erosion, and this is stated within its terminology. In practice salt encroachment and soil deterioration have been a source of concern to extension officers of the Department of Agriculture. Whilst under the terms of the Act a clear and specific definition of salt has been included in practice, regard has been paid to this problem and it has received the attention of the officers involved.

At this point of time it is desirable specifically to include a provision governing the treatment of salt in affected areas. This is a matter which my colleague will deal with when he introduces the amendment which appears in his name on the notice paper.

Perhaps it is appropriate to make reference to the internal structure of the Department of Agriculture in order to gain an appreciation of how the control of soil conservation works in terms of reality. Three sections are directly involved. The first is the soil conservation branch which in the main is concerned with the cereal growing areas of the wheatbelt. The second is the range land division which is interested primarily with the pastoral areas of Western Australia.

In the pastoral areas, grazing and conservation are practically synonymous. They are interrelated, and the control of one virtually means the control of or effect on the other. We can say that pasture control in many of the pastoral areas is virtually soil conservation control.

The third section of the Department of Agriculture so involved is the irrigation and drainage branch. In most of its operations it is concerned with the south-west portion of the State; and it is here that we find the high rainfall areas, and the attendant problems which accrue with this geographical phenomenon. Should an instance arise where, for example, the range land branch or the irrigation branch required the resources of the soil conservation branch, the members of the different branches interchange. There is ready liaison between them. There is also the ability to transfer officers on a temporary basis to overcome a problem. This has been a desirable and effective method of dealing with problems.

The assessment of salt encroachment is worth mentioning. To determine this precisely is not easy. The census and statistics forms which are sent out include one which provides the basic data relating to salt encroached land. An operation is being carried out in 1974 by the Bureau of Census and Statistics, but the forms will not be collated for some little time. As a consequence, the most up-to-date figure and the final evaluation of salt encroachment methods have not been seen.

That is the situation which pertains to the most up-to-date information on salt encroachment that is available. The present overall position of salt erosion is probably difficult to determine with absolute accuracy, though it is recorded fairly well —certainly well enough for all practical purposes. The officers of the Department of Agriculture are satisfied, and they have a right to be satisfied, with the progress that has been made in the last 25 years.

However, there are several matters which should not be disregarded. The first is the actual planning of farms. A much more careful subdivision of areas, to take into account watersheds, watercourses, and other topographical features should be undertaken. In the past this did not happen when surveyors ran a perfectly straight line from north to south, or from east to west, without taking into account the topography and the problems which might result. Had such precautions been taken many years ago we would have far fewer erosion problems today. Boundaries and roads could well have followed the contours of the land to a much greater degree. On the practical side fewer bridges and other structures which require expenditure would be built. Whilst on the one hand it might sound altruistic, on the other hand it is really significant in the establishment of farms without looking to the actual preservation of the precious topsoil on which we are so dependent.

I have made reference to the co-ordination of the sections of the Department of Agriculture. To enable greater liaison within the controlling authorities, the question of salt encroachment could well be brought within the compass of the Act. I feel the third aspect should be looked at; that is, the general question of salt erosion in its broad aspect throughout Western Australia, starting no doubt with the Gascoyne catchment area.

This was a very interesting exercise. Its tremendous magnitude has not been realised generally. The Gascoyne catchment area represent something in excess of 24 000 square miles. It was shown in the initial survey of, I think, 1970 that there was a very considerable degree of denudation right throughout the catchment area. A subsequent and more detailed evaluation of the area showed that 3 634 square miles of land was so badly eroded that unless some precautionary and preventive measures were taken the erosion would be irreversible, and the land would not be regenerated except over centuries. A further 13 000 square miles comprised degenerated land. There was some erosion in this area

which needed to be watched. The remaining 7 900 square miles of land was not affected. In the main it comprised ridges which were rather stony but this land was suitable for the production of satisfactory grazing grasses; it has not been affected.

It is obvious that the area in the pastoral regions which suffer most readily are the accessible areas. These are the watercourses which are readily susceptible to flooding. Unfortunately these areas contain the soils which erode most quickly. When factors of this kind arise, together with economic factors of drought which leads to overstocking, it is understandable that in times of high prices the pastoralists endeavour to expand the operations to absorb some of the costs. As a consequence it is very easy for land of this kind to suffer from overgrazing.

Vermin have had a peripheral effect. In the main it is provision for grazing by way of improved facilities such as water that brings about over-use of areas. One of the most dangerous factors are the shearing sites, where the sheep are brought into a paddock and retained for a week or 10 days longer than anticipated; this is a paddock of perhaps a square mile. It does not take too many operations of this kind, particularly in drought years, to ruin the land finally. Many suggestions have been put to the pastoralists, and they are being received very well.

It is to the credit of pastoralists that they appreciate the problems that have been created over the past 70 or 80 years They are prepared to grapple with the situation, and to adjust stocking of the affected areas and make provision for mobile shearing units, rather than have set points to which the animals are driven.

It is with a fair degree of pleasure that the Opposition can look upon the exercise in the Gascoyne as being very useful, in setting up a plan which can be followed by and is acceptable to the people in the pastoral industry.

The Gascoyne is only the first of these areas and I have no doubt that the report on the West Kimberley, when it does become available—and I understand it is now being studied—will be the source of some very real concern.

I do not know the whole of the area very well but from my understanding of it I believe it is in a worse state than was the Gascoyne, and it will require a considerable amount of effort and much patience and understanding by those in the pastoral industry—whether they are concerned with administration, or anything else—and I hope they will accept the lesson learnt from the Gascoyne and realise that something has to be done. The nettle has to be grasped. I shudder when I reflect on what could have been the story with regard to the Ord River area. Had the Ord River Dam not been built it is most unlikely that any regeneration in the catchment area would have taken place. It was the siltation of the dam itself which activated those concerned to do something about regeneration.

The first step taken with regard to the Ord River Dam was to fence off the stations in the area. The whole area had been overgrazed, and that had been occurring for in excess of a century. The number of cattle found was staggering, and far exceeded the expectations of the extension officers whose job it was to round up and sell the cattle. I think that something in the order of 15 000 cattle were found, the existence of which was not previously known. That is understandable because of the nature of the terrain and the tremendous breadth and extent of the area and the rangeland type of pastoral industry that had developed. The terrain does not in any way resemble farming land as we know it in broad acre terms.

The Ord River Dam has been a very good illustration. Had it not been constructed the catchment area would have degenerated to a stage where it would have been irretrievable. This is something we should never lose sight of.

The West Kimberley has its problems and, as I said, I believe the area is worse than the Gascoyne was when we first looked at it in detail. The Murchison and other river areas have various degrees of degeneration which should be looked at urgently so that appropriate remedial measures can be taken.

Probably the most fragile of the pastoral country is that in the area of the Nullarbor Plain. There is very little latitude for anything to be done with that sort of area.

The SPEAKER: Order! My interest in the member's speech has caused me to overlook the fact that he is ranging widely. I think he has tended to traverse a good deal of Western Australia—in a most interesting fashion—but his speech is rather beyond the scope of the appointments to be considered under the provisions of this Bill.

Mr H. D. EVANS: I take your point, Mr Speaker, and I appreciate the tolerance which you display, but I do think that as the Soil Conservation Advisory Committee is the body to which we have to look for the realisation of the provisions of this measure, perhaps it is fitting that they should be discussed at this time. It may well be that the Soil Conservation Advisory Committee will liaise with the Pastoral Appraisement Committee, and even bring the report of the West Kimberley to light a little quicker than otherwise might be the case. However, I take your point, Mr Speaker, and I certainly will not test your patience.

I will conclude by referring to several provisions of the Bill which have aroused my interest. The first is the expansion, or

the extension, of the Soil Conservation Advisory Committee by the appointment of two additional members. The Minister envisaged that the committee would be extended from 10 to 12 members, but I suggest it should be extended by two further members to make a total of 14. The appointment of an additional two members to a committee of 12 would not impede the progress of the committee, and the additional members would be able to express their viewpoints at the appropriate times.

It is my intention to move for the appointment of two additional members, the first to be the Director of Environmental Protection or his nominee, for obvious reasons. The area under discussion is one in which the Director of Environmental Protection should be closely associated, and this should be one of his primary concerns. I have no doubt that if he is to be involved it would be on a peripheral basis rather than a direct involvement with any specified responsibility on his part. The second member to be appointed under my proposal could well be taken from the Conservation Council of Western Australia.

The whole essence of this legislation, ever since it was first introduced, has been one of a spirit of co-operation and education, and it has proceeded with a degree of harmony rather than having to invoke the penal aspect which the Act provides.

Surely the conservation bodies which have shown a very real and dedicated interest should be represented on this particular committee. The legislation falls well within the compass of their duties. Their inclusion would provide a form of liaison between the different authorities, and as a result they would certainly appreciate the fact that their work was being regarded as worth while. I will leave further comment until the appropriate stage of the Committee debate.

MR A. R. TONKIN (Morley) [9.23 p.m.]: I want to talk very briefly on this matter, and the main comments I want to make relate to the two amendments which I have on the notice paper. One amendment is to do with the enlargement of the council. The Government has seen fit to appoint to the council representatives of local authorities and the Country Shire Councils' Association of Western Australia. That is a most desirable move.

However, the Opposition feels that at the moment the council comprises people who are largely representative of either governmental interests or of farming and pastoral interests. There is no-one on the council who can be regarded as a representative of general conservation interests. I refer to those who do not obtain their living from the soil, but who have an interest in conservation matters. For that reason we feel the Director of Environmental Protection, or his nominee, and a representative of the Conservation Council of Western Australia would give the body representation from environmental interests outside the farming field, and outside actual employees of the Government.

The other amendment which appears on the notice paper relates to a change in the definition of "soil erosion". Soil erosion is usually taken to mean the removal of soil by various agencies, and not "soil depletion". As pointed out by the member for Warren, the definition does not include the encroachment of salt and this is one of the most worrying aspects with regard to soil conservation.

The question of salt encroachment has now been included on the form sent out by the Bureau of Census and Statistics. It was not included in the previous census period, and its inclusion now indicates the concern felt by officers of the department with regard to the encroachment of salt.

To my mind soil erosion does occur when there is salt encroachment which leads to a deterioration of the vegetation. That being so, the officers of the department, generally speaking, are able to deal with salt encroachment because they are dealing with soil erosion; the two are linked. However, it is quite clear there was an oversight with regard to soil conservation.

Although soil has to be conserved in the physical sense, it is also necessary to conserve the quality of the soil by attempting to control the degree of saline accumulation. Therefore, I think it was an oversight not to have a broader definition of "soil erosion" included in the legislation some 20 years ago. It was overlooked and the proposal contained in the amendment will strengthen the hands of the officers associated with soil conservation.

A tremendous amount of concern is felt in Western Australia with regard to soil conservation. I have received letters from various conservation bodies—and I have no doubt other members have received letters also—expressing grave concern about the degree of deterioration of the soil in various parts of the State. I suggest the Act will be strengthened by including the proposed new definition. The officers of the Department of Agriculture, and the Minister, will then have power over all kinds of soil depletion, and not just the physical erosion of the soil.

The Opposition supports the measure, subject to the inclusion of the proposed amendments.

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [9.28 p.m.]: I thank both members who have spoken to the Bill. They have both indicated that they

are not in opposition, but that they would like an examination made of the amendments which appear on the notice paper.

In his remarks the member for Warren wandered far and wide and spoke of the importance of a measure of this nature. He mentioned the importance of soil conservation in our State, and he said it was the responsibility of all of us to see that we did not destroy the soil which was so valuable to us. He went on to mention the purpose of the Act when it was first introduced, and the need for the provisions embodied in the Act. Its purpose, of course, was the protection of our soil and to enable those who were responsible for its protection to contact people in an attempt to help them in the matter of soil conservation.

The responsibility of the Soil Conservation Advisory Committee was established by the Act of Parliament which was passed in 1945, and that responsibility was for the prevention of soil erosion to promote soil conservation. The measure not only affected the landholders, but all the people of the State—the general public.

The service now operates quite well, and is one of four branches within the soils division of the department. In many ways the work done is complementary. The basic concept of soil conservation is that each landholder is responsible for maintaining the soil resources of his property, and for preventing soil erosion.

Soil erosion occurs in various ways. It can be water-borne sediment or wind-drifted sand which causes damage not only at the source, but also to adjoining land.

The service has promoted soil conservation and it has extended its objectives to try to educate people, particularly landholders, and to make them aware of soil erosion problems and the need for conservation. The service tries to stimulate interest in soil conservation generally and to provide detailed information. It seeks to develop skills necessary to promote the conservation of soil. The officers have various ways in which they carry out these objectives; by individual contact with the farmers; visits with contour surveyors; group contacts in the form of field days; farmers' meetings, and discussion groups. They visit primary, secondary, and agricultural schools, as well as institutes for tertiary education. The officers use the mass media, country newspapers, district office newsletters, departmental Press releases, publications, and radio talks. They liaise with local government authorities and other Government departments whose responsibilities relate to land use. So by this method the knowledge of the people on the land and the general public is increased.

Many requests are received for the soil conservation service, but unfortunately insufficient knowledge is available to give detailed instruction on some matters. Research is still being undertaken by research groups, district officers, and field staff, in a co-operative manner, to try to obtain better results, to promote greater knowledge, and to preserve the soil as we all desire.

So we have separate broad fields in which these officers operate. The member for Warren mentioned the hydrology section, and this is of vital concern because of the heavy rainfall in some places. The research officers must know how much rain falls, how heavy it is, and its effect on particular places. It must also determine how much soil is moved when the rain falls and how the action of the rain causes erosion. Information of this type is related to the farm water supplies, and we are all aware that heavy rainfall can cause deep gulleys.

The officers must know about the intensity of the rainfall, the catchment hydrology, dam catchment improvements, farm dam evaporation, and so on. The study of these matters is a long-term exercise, but the service is attempting to define some of the problem areas. The actual loss of soil, whether by wind or water, and its effect on the community are matters which are still being researched. The details are being collated so that more exact information can be provided to give greater knowledge of the very nature of soil conservation. Measurements are taken of wind erosion and of the variability of the movement of soil. Using mechanical means by what they call soil microtopography, the officers can obtain extremely accurate measurements. The loss of soil in a cereal growing area will affect subsequent yields of crops. So we must use techniques of pastoral development to retain the soil. Successive cropping and excessive stocking in these pastoral areas can lead to a depletion of the cover. By overgrazing and the subsequent trampling of the animals, the soil is bared and the wind can cause heavy soil loss.

The SPEAKER: I am afraid the Minister is falling into the same trap as did the member for Warren.

Mr McPHARLIN: I accept your ruling, Sir, but this matter is of vast importance to the whole of the State. However, I will confine my speech to the Bill.

Mr A. R. Tonkin: The member for Morley gave you a good example of that.

Mr McPHARLIN: We are not seeking to amend the Act excessively. We wish to provide for the appointment of a deputy commissioner of soil conservation, a deputy chairman of the Soil Conservation Advisory Committee, and to extend the membership of that advisory committee.

In my second reading speech I outlined quite clearly why we desired to appoint a deputy commissioner and a deputy chairman. I also explained the desirability of

the appointment of two more members to the advisory committee.

The parent Act was amended in 1967 to permit the membership of the board to be increased from eight to 10. We are now suggesting that this should be increased to 12 members. The member for Warren foreshadowed an amendment by which it is intended to increase the membership to 14. He suggested the appointment of a member from the Department of Environmental Protection and one from the Conservation Council of Western Australia. This raises the point about whether a committee of that size would be too unwieldy. We believe that a committee membership of 12 would be sufficient to cope with the problems brought before the committee.

Mr Carr: Perhaps we should take a couple of those members off to make room for conservationists.

Mr McPHARLIN: The members of the committee are capable men, and we believe that a membership of 12 is sufficient.

When we come to the Committee discussion I will suggest to the member for Morley a way in which his amendment could be altered so that it would meet the requirements of both sides. I do not believe my suggestion will detract from his amendment. If the honourable member accepts my suggestion, the second part of his proposed amendment will be unnecessary. I will explain this in more detail in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr McPharlin (Minister for Agriculture) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 4 amended—

Mr A. R. TONKIN: I move an amendment—

> Page 2—Insert after paragraph (c) the following paragraph to stand as paragraph (d)—
>
> (d) by deleting the interpretation of the term "Soil erosion" and substituting a new interpretation as follows—
>
> "Soil depletion" means the natural or accelerated removal or deposition of soil or the deterioration caused by salt encroachment, any of which may be detrimental with respect to agricultural, pastoral, or forestry activities or engineering or other works.

I am pleased the Minister has indicated that he accepts the amendment in principle, even though he proposes to suggest some minor alterations. As I indicated earlier, I believe my amendment would strengthen the Soil Conservation Act. Perhaps we are making to provide for something which to some extent is already being practised. However, my amendment would strengthen the authority of the soil conservation service, and I hope it will be supported by the Committee.

Mr McPHARLIN: The member for Morley seeks to delete the interpretation of the term "Soil erosion" and to substitute the interpretation of the term "Soil depletion". His proposed amendment also refers to erosion caused by salt encroachment.

The term "soil erosion" is still in common usage. It is understood widely, and I feel that the word "depletion" does not clarify or enhance understanding of the intention of the parent Act. The term "erosion" includes both the sense of wearing and the formation of other entities. It is consistent with the later phrase in the definition, "the removal or deposition". The term "depletion" carries only the sense of loss or emptying, and is neither an exact nor complete synonym for the word "erosion".

The meaning of "erode" is "to eat into or away, to destroy by slow disintegration"; and the meaning of "corrode" is "to wear away as land by the action of water, to produce or form by erosion". The meaning of "deplete" is "to reduce by destroying or consuming the vital powers". So the term "soil erosion" is more fitting than the term "soil depletion". An amendment to add to the definition of "Soil erosion" the words "or the deterioration caused by salt encroachment" would be acceptable.

Mr A. R. TONKIN: I thought of that, but I felt I would be murdering the Queen's English if I made the term "soil erosion" embrace salt encroachment. If the term "soil erosion" means exactly what the Minister says it means, then I can see no problem. I am happy to accept the advice of the Minister in respect of adding the words "or the deterioration caused by salt encroachment" to the definition in the parent Act. I presume I must seek leave to withdraw my amendment and then move another amendment.

The DEPUTY CHAIRMAN (Mr Blaikie): That is correct. Could we have the amendment in writing?

Mr McPHARLIN: In an effort to expedite the matter, I will give my assurance that if the member for Morley agrees to my suggestion I will have the amendment made in another place.

Mr A. R. TONKIN: Mr Deputy Chairman, is it proper for me to withdraw the amendment before the Committee and then to suggest that certain words be added to the existing definition of "Soil erosion"? Otherwise the Bill will have to be sent back from another place in order for us to approve its amendment.

The DEPUTY CHAIRMAN: If you can draft the amendment fairly quickly, yes.

Mr A. R. TONKIN: I seek leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr A. R. TONKIN: I propose the following amendment to the parent Act—

> Section 4, page 4, line 4—Insert after the word "soil" the words "or the deterioration caused by salt encroachment any of".

The DEPUTY CHAIRMAN: The member for Morley has proposed to amend the principal Act. He should indicate to the Chair what part of the Bill his amendment refers to.

Mr A. R. TONKIN: My amendment refers to page 2, clause 3, line 34.

The DEPUTY CHAIRMAN: The member for Morley must properly draft his amendment before the Chair can accept it.

Mr A. R. TONKIN: Would the Minister be agreeable to report progress? I do not know what the Deputy Chairman means by "properly drafted".

Mr McPHARLIN: Perhaps I could give an assurance that the amendment will be accepted in another place. The Bill could be brought back to this Chamber in an amended form and it would not take much time to put it through. I do not want to report progress at this stage.

Mr T. D. EVANS: I can see the problem confronting the Chair and also the member for Morley. From my reading of the Bill, it is not competent for the honourable member to amend clause 3 in the manner he has proposed. However, there is one solution. The member for Morley could move to repeal the existing definition of "soil erosion" and to substitute the same definition, adding the words relating to the encroachment of salt. The definition, with the addition of the proposed words, could be re-enacted in the parent Act.

The DEPUTY CHAIRMAN: The Committee has only a rough draft of the honourable member's amendment. For his amendment to be acceptable, it would need to be in the form of adding a new paragraph; in fact, this is what the honourable member seeks to do. The Bill we are discussing does not relate necessarily to interpretations, but the member for Morley is seeking to change an interpretation in the principal Act.

Mr A. R. TONKIN: But section 4 of the Act deals with interpretations and this Bill in fact seeks to amend section 4.

The DEPUTY CHAIRMAN: That does not amend the section relating to soil erosion.

Mr A. R. TONKIN: It deals with section 4, the section with which I am dealing.

Mr O'Neil: The best idea is to do what the Minister suggests. He will accept your proposal and have it moved in another place.

The DEPUTY CHAIRMAN: I have been very tolerant with the member for Morley.

Mr A. R. TONKIN: I agree that that is the best step; to have the amendment accepted and moved in another place.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 9 amended—

Mr H. D. EVANS: I seek to amend this clause by having two additional members appointed to the advisory council. A look at the parent Act will show that initially eight members were to be appointed. Five of those were officers of Government departments, and two others were to be representatives of agricultural pursuits and of pastoral pursuits. The Act was amended in 1967 to add another two members, one of whom was to be an officer nominated by the Commissioner of Main Roads, appointed under the Main Roads Act, and the other was a representative of agricultural pursuits, making the required 10 members.

The Minister now proposes to add two additional members; one to be recommended by the Country Shire Councils' Association of Western Australia, or in default of any such recommendation, by the Minister personally, as a representative of the interests of local government authorities. It will be noticed that the total assemblage does not effectively represent those bodies which have shown an active and devoted interest in soil conservation. Whilst I have respect for the work done by officers of the various Government departments over many years on soil conservation, I think it is desirable to include the Director of Environmental Protection and a representative of the Conservation Council of Western Australia.

The Minister said that a committee could become too unwieldy and felt that this committee may be reaching that stage. I respectfully suggest to him that committees of such an august body as the House of Commons have three or four times the number of members on this committee. Consequently an increase in the size of the committee from 12 to 14 members is not so very great when viewed in that light.

I also suggest that apart from the encouragement and the recognition of the conservation interests themselves a useful liaison with the Government would be created and, reciprocally, the Government could probably obviate misunderstandings and difficulties if it has this channel of communication open to it. For this reason I feel that the extension of the committee

to include the Director of Environmental Protection or his nominee, and a representative of the Conservation Council of Western Australia is desirable. Therefore I move an amendment—

> Page 3, line 24—Delete the word "twelve".

Mr A. R. TONKIN: The purpose of the amendment is to place on this council the Director of Environmental Protection. We believe that a man of this calibre should be a member of the council. When the Bill is agreed to there will be representatives of various Government departments, and representatives of farming and pastoral pursuits on the council. We believe that the soil of this State belongs to all the people. If the soil is destroyed it is not just the person who holds the freehold or the leasehold of that land who is disadvantaged and perhaps ruined; but in the aggregate Western Australia itself will eventually be destroyed.

Therefore we believe that on the council there should be representatives of soil conservation interests. We on this side of the Chamber are interested in environmental protection generally. We cannot agree that the Mines Department which, after all is said and done is not particularly wedded to soil conservation, should have a representative on the council and the Environmental Protection Authority should not. We also believe that if there are to be five members on the council representing farming and pastoral pursuits, an overbalance would not be created on the council if a representative of the Conservation Council of Western Australia were appointed.

The Conservation Council of Western Australia is a body with no financial axe to grind. It is concerned purely with environmental matters and we believe that it should have a representative appointed to the council. The Minister has said that 12 members is just the right number and 14 would be excessive. That is only looking for an excuse. I do not know that there is any perfect number of members to form a committee. I agree that committees can become too unwieldy but I do not think 14 members would be excessive when compared with 12. Of course, a quorum will considerably lessen that number; on many occasions there will be fewer members present than 14.

Various interests should be represented on the committee. The Environmental Protection Authority, which is of tremendous importance should be represented, as should the Conservation Council. In the case of the Conservation Council, it represents dozens of conservation bodies throughout the State. The Government should indicate it is sincere in conservation matters by agreeing that the two representatives proposed in the amendment be appointed to the committee.

Mr McPHARLIN: I indicated earlier that I did not think it would be desirable to increase the membership of the committee beyond the number proposed in the Bill. The amendment in the Bill seeks to increase the number by two to bring it to 12 members. One of the additional members is to be the representative of mining interests, and the other is to be the representative of country shire councils.

The committee now includes representatives of five Government departments, and four members representing the farmers and pastoralists. All of them are keenly interested in their work, and this is demonstrated by what the committee has been able to achieve up to date.

Regarding the proposal by the Opposition to include a representative of or the Director of Environmental Protection, I would point out that the director has as much work to do as he can handle. He is a member of many committees. Committees can reach the stage where they become unwieldy through increased membership. In my view the increase in the membership of the committee by two more representatives is sufficient. On those grounds I cannot agree to the amendment.

Mr SKIDMORE: I wonder whether the Minister has been arguing against himself, because when he introduced the second reading of the Bill he said—

> Conservation of the extensive land areas under the control of and influenced by the activities of country shires is vital to the State.

He also mentioned that with increased mining activity and the greater possibility of associated erosion problems it was appropriate to provide representation from the Mines Department.

I am not unmindful of the comments of the member for Morley who indicated that the Mines Department and the officers working under the Act are at times not concerned with the environment, and willy-nilly permit a reserve to be ploughed up and set aside for the mining of some supposed deposit of mineral.

If we look at what some pastoralists have done over the years in respect of soil conservation, we find all they have done was to rape and denude the land so that its regeneration would take years. Their efforts have denuded the land of vegetation.

We have to take into account the heritage of the citizens of the State, and the rights and wrongs of the matter. Some pastoralists have walked off their leases without any concern for the denudation of the land. This also applies to some small farming communities of the past.

Mr McPharlin: Not in these days.

Mr SKIDMORE: Of course, there are. That is why we have the Soil Conservation Act. I believe this is the reason that the

two proposed additional members—a representative of the Director of Environmental Protection, and a representative of the Conservation Council—should be appointed. I say that some farmers have been unreasonable in looking after our heritage and the land they farm. In many parts of the wheatbelt the farmers do not bother about soil conservation. I am prepared to take members on the Government side to parts of the wheatbelt where areas of land have been neglected.

Mr McPharlin: The inclusion of the two members proposed in the amendment will not make any difference at all.

Mr SKIDMORE: The additional members will provide the necessary expertise to ensure that protection is given to the land, and that it is not raped as it has been in the past by some land-hungry farmers, leaving the people to sort out the problems they leave behind.

Mr H. D. EVANS: There is no questioning of the professional ability or integrity of the present members of the committee, particularly those representing Government departments. However, I feel that the two additional members proposed in the amendment have an equal contribution to make, and their contribution will be as effective to the State as is the contribution by the existing members. The proposal is that a representative of the Director of Environmental Protection and a member of the Conservation Council be appointed to the committee.

It is not entirely a question affecting the farmlands, the pastoral leases, or the economics; there is also the total spectrum of problems dealing with the ecology which arise in projects such as the Ord catchment area. This land is now pure clay, and runs for miles. It is only by the growth of kapok bush and other species and the use of special ripping machinery that the land is being regenerated. It is not only a question of the soil being affected; the denudation covers the total range from microbiology to fauna and flora in general. It is in the interests of the State to have the two additional representatives on the committee.

Mr A. R. TONKIN: I cannot see why a representative of the Mines Department should be appointed to this committee, if a representative of the Director of Environmental Protection is not. I do not say the Mines Department should not have a representative. I believe it should have one, but I cannot see why it should have prior claim to the representative of the Director of Environmental Protection. It is quite possible that an officer of the Environmental Protection Authority has expert knowledge in this field, and he could be invaluable to represent environmental protection interests.

I realise that the existing committee has the expertise of the conservation service. However, this does not need to be a group of experts. This is not an executive committee. There is no need to retain it as a small committee; it is one which needs balanced representation, so that ideas can be put forward on all points of view that are canvassed. For that reason it does not matter whether the membership is 14 or 12. In fact, the number will probably be 10 rather than 14 because probably all members will not be present each time.

As I said before, the local government representatives from the country are likely to be farmers who have a pecuniary interest. I am not saying that is bad, but that also on the committee should be people who have no financial axe to grind, and one such person could be a representative of the Conservation Council of Western Australia.

We believe the Minister is being unreasonable in his objection to the amendment; in his contention that it is all right to increase the membership of the committee from 10 to 12, but not from 12 to 14; and in keeping off the council those interested in general conservation matters while retaining only representatives of Government departments and farming and pastoralist interests. In this way the representation on the committee is far too narrow. We want the committee to be widely representative of the many views available on soil conservation.

Mr DAVIES: It is very true to say that the Director of Environmental Protection is on numerous committees and has a great amount of work to do; but the amendment suggests that his nominee could be appointed, and this may be highly desirable. I want to remind the Committee that earlier this session we provided for the Director of Environmental Protection to be on the Town Planning Board because his expertise could be used to very good advantage. In the same way I believe his expertise would be as useful to the authority under discussion.

As members will recall, last year or the year before a great dust problem occurred in Kalgoorlie, and the responsibility for suggestions to overcome the problem rested wholly and solely on the shoulders of the Department of Environmental Protection. However, that department worked in successful collaboration with representatives of the mining industry. If such a procedure was good enough on that occasion, surely it is good enough in the circumstances we are debating. The outcome of the work done in Kalgoorlie was that a tripartite organisation consisting of representatives from the mining industry, local government, and the Government put into effect a programme which over the years will have some permanent advantage.

In the same way I believe that the expertise available should be used to the best advantage in connection with the Soil Conservation Committee.

Amendment put and a division taken with the following result—

Ayes—17

Mr Bateman	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr McIver
Mr Fletcher	*(Teller)*

Noes—23

Sir David Brand	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	*(Teller)*

Pairs

Ayes	Noes
Mr Jamieson	Mr Cowan
Mr Moller	Mr Mensaros
Mr Barnett	Mr Clarko
Mr May	Mr Rushton

Amendment thus negatived.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR T. D. EVANS (Kalgoorlie) [10.30 p.m.]: This Bill seeks to amend the principal Act governing the operations of the Western Australian Institute of Technology, which was enacted in 1966.

I took a great deal of interest in reading the speech delivered by the Minister representing the Minister for Education and I came to the conclusion it was rather familiar. As a result, I hastened to study the proposals in the Bill and thence I found the reason for the familiarity. As the Minister indicated the Bill is, in fact, on all fours with the one introduced into this Assembly last year and which, because of certain circumstances, was allowed to stay on the notice paper. It did not receive a determination, or the blessing of this Chamber.

From memory, I believe the nexus of this Bill is to be found in a submission which I personally put to Cabinet in the former Government in 1973. Therefore, it will be readily understood that I can see very little wrong with the Bill. Indeed, I see a great deal of merit in it and I recommend its passage.

I do not intend to traverse the contents of the Bill but to assure the House—if any such assurance is needed—that the Opposition has examined the speech notes of the Minister and found that they accurately and fully explain and justify the amendment now sought, and I give the measure the blessing of the Opposition.

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.

SALE OF LAND ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [10.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to regulate the advertising and the promotion of schemes for the sale of undivided shares in land. There are a number of ways in which a person can acquire an interest in real estate, and the sale of undivided shares has been common practice for many years. An undivided share in land may be described as an interest which a person may have in a parcel of land in common with other persons, but which does not confer on him the exclusive ownership of any particular part of the parcel of land. The purchaser of such an undivided share may receive what has become known as a "purple title", as evidence of ownership of his undivided share.

There are schemes, based on this practice, in which the purchaser is given the right of exclusive use or occupation of a specified building or part of a building; for example, a town house, home unit, or office. There are others where a specific commercial enterprise or development is intended to be carried on by or on behalf of the co-owners; for example, the purchase or development of an income-earning property, such as a block of flats for letting. Many of these schemes are already controlled in some respects by the provisions of division 5 of part IV of the Companies Act, 1961-1973.

Briefly, the object of this division of the Companies Act is to regulate the raising of funds from the public in relation to certain schemes which fall within the definition of "interest" under that division. A promoter of a scheme involving such interests is obliged by the division first to have a trust deed approved, and then to register a prospectus-like statement which

will inform the investor of the nature of the interest offered and the rights and liabilities attaching to a participant in the scheme. The promotor is prohibited from advertising any such interest or seeking subscriptions for such an interest except by disseminating the prospectus itself or by publishing information merely drawing attention to the prospectus.

The division then proceeds to provide that only a public company may offer such an interest to the public. That company is termed the management company and is, in turn, obliged to enter into the trust deed I have already mentioned, under which a trustee approved by the Minister is appointed to safeguard the interests of the participants in the scheme. The deed must contain certain covenants by the management company and trustee intended to further protect the rights of the participants.

However, some schemes relating to the sale of undivided shares in land do not involve any precise or specific commercial enterprise or development. Many such schemes relate to the sale of undivided shares in broad acres or rural land, and in some cases the sales take place outside the State or even outside Australia.

Numerous inquiries and complaints have been received from individuals about the sale of undivided shares in land. These inquiries and complaints have originated locally, from interstate, from New Guinea, and from the United States and Japan. In almost all cases in which it has been possible to interview the complainant, it has been evident that he expected to get a specific building lot, because of the misleading nature of the advertising material or because of verbal statements made to him by salesmen at the time of the transaction.

Local authorities also have complained, and that is not surprising when one considers the difficulties facing a local authority attempting to recover rates, or to enforce fire-break requirements, or to deal with owners when resuming portions of land for road purposes in any instance where the ownership of a particular block of land is held by some 200 or more persons, perhaps spread throughout Australia and even overseas, each of whom must be dealt with.

There are alarming accounts of the practices and techniques used by the sellers to market the land. Press statements warning the local public to exercise extreme caution in such land dealings have been issued by town planning Ministers and commissioners in the past.

Two main areas of concern are the advertising and invitations associated with this type of scheme and the difficulties arising from an excessive number of co-owners.

The matter was referred to the Law Reform Commission for consideration and recommendations on legislation to control or prevent such activities.

The Bill now before the House would implement the recommendations made by the Law Reform Commission, as varied, to take into account recent amendments to division 5 of part IV of the Companies Act. With certain exceptions, the Bill prohibits the public offering or soliciting of offers of undivided shares in land or offers of options to purchase.

I will deal with each of these exceptions in more detail but the main exception with which I wish to deal at this stage is in relation to a scheme which complies with the existing provisions of division 5 of part IV of the Companies Act.

It is envisaged that if a scheme relating to the sale of undivided shares in land complies with that division of the Companies Act, a purchaser or intended purchaser would be adequately protected in relation to the two main areas of concern which I have already mentioned; namely, the advertising and invitations associated with this type of scheme and the difficulties arising from an excessive number of co-owners. In relation to a scheme complying with that division of the Companies Act, under section 81 only a public company or its duly authorised agent may issue or offer an interest in such a scheme to the public.

A statement which is deemed to be a prospectus and which must comply with all requirements relating to prospectuses must be approved by the registrar and issued before any offer can be made to the public. Under section 42 of the Companies Act, such a statement cannot be approved by the registrar if it contains any misleading material, and under section 40 advertisements calling attention to any offer of an interest in such a scheme to the public are prohibited if they do anything more than merely draw attention to the prospectus-type statement which the promoter is required to issue.

Provision is made for a trust deed, which must be approved by the registrar, and unless there is an approved deed it is unlawful to issue or offer any interest in such a scheme to the public. The deed must appoint a trustee company approved by the Minister to represent the holders of such interests. In order to obtain approval, a deed must contain certain provisions specified in the Companies Act and regulations, and, generally speaking, those covenants are aimed at the supervision of the management company and the protection of holders of interests. Because this division of the Companies Act requires the assets of the scheme to be vested in the trustee, it overcomes many of the problems arising from an excessive number of co-owners.

I now propose to refer more specifically to some of the more important provisions contained in the Bill. Provisions are included with the intention of ensuring that new provisions dealing with the sale of undivided shares in land will not be avoided by devices such as resorting to options, resorting to trusts where the legal interest but not the beneficial interest is transferred out of the promoter's hands, and resorting to means other than public newspapers for soliciting offers to purchase or options to purchase from sections of the public by circulars or door-to-door canvassing.

An endeavour is made to prevent evasion of the provisions through the use of dummies or other associates of the promoter; although it appears to be most complex, it is not novel and similar provisions are to be found in the Companies Act dealing with takeovers and the disclosure of substantial shareholdings; and a further provision establishes that a person alone or together with associates who has sold more than three undivided shares in land in the past 12 months is to be regarded as being in the business of selling undivided shares in land, except where the transaction involved a common purchaser.

The crux of this Bill is provided in clause 5 wherein there is prohibition, except in certain circumstances, of the public offering or soliciting of offers or options to purchase undivided shares of land.

The exceptions are important and it is appropriate that I make particular reference to them. The first, which I have already discussed, is where the scheme is already regulated under division 5 of part IV of the Companies Act.

The second relates to public offers of the sale of purple titles with which there is a collateral right to occupy a specified building or part of a building. This in fact used to be, before the advent of strata titles, the common form of transaction for the sale of home units, but is also used in some factory transactions where the factory is physically subdivisible and each purchaser acquires an exclusive right to use a portion of the factory premises.

A third exception will permit, for example, a private individual—as distinct from a professional promoter—who has bought, say, three undivided shares in one of the previous beach estate schemes, to advertise publicly one or two of them for sale. It will also permit a person with an undivided shareholding in a farm, block of flats, etc., to advertise publicly that part of his interest is for sale where he wants to realise on part of his shareholding. If he wants to liquidate the whole of his interest he can advertise it publicly as being for sale, without committing an offence, because the Bill specifically creates a defence in those circumstances.

A fourth exception recognises that when the new provisions come into operation there may be partly-sold schemes in existence which might founder absolutely, both for the promoter and existing investors, unless the balance of the land can be sold off. This exception applies only where the Minister has granted an exemption for which specific provision is made. The date shown in the printed Bill as the 10th day of September, 1974, is the date on which the Bill was publicly announced.

I have mentioned earlier a provision which would have the effect of permitting anybody to advertise publicly his total interest in any land if he is intending to dispose of it to a single purchaser. The subsection will, however, not afford a defence if having so offered his interest in the land, the vendor proceeds to split his interest on sale to more than one purchaser.

The power of the Minister to grant exemptions is worthy of further mention and it is intended to permit an exemption in respect of schemes commenced before, but not completed at the time of, the coming into operation of the new provisions. The criteria under which the Minister may grant exemptions are reasonably similar to those already contained in the present provisions of the Sale of Land Act.

A further new provision gives added protection to the purchaser of an undivided share in response to an advertisement which has infringed the key provision of the Bill.

In conclusion, it is important to note that the Bill is not directed at restricting or regulating sales or the selling of undivided shares in land. The Bill seeks only to prohibit the public advertising or offering for sale or offering to the public options to purchase such undivided shares, and even then, only prohibits the public advertising or offering by persons who are carrying on the business of promoting the sales of undivided shares in land, or who have in fact sold at least three such undivided shares in land in the previous 12 months.

I believe the Bill represents a very significant advance in the regulation of promotional schemes of a very questionable nature which have been a cause for concern to the public, local authorities, and successive Governments over a lengthy period.

I conclude by mentioning that the Minister for Justice, at the suggestion of the Hon. I. G. Medcalf, enlarged the scope of the Bill in another place to encompass options to purchase, and this includes a gratuitous option to purchase, because it was considered to be an area which could enable unscrupulous people to operate. While the honourable member was somewhat concerned that the amendment did not go far enough, on the other

hand it may be asked in what manner may a passive advertisement be encompassed by the Bill? This becomes, I suggest, a question of law in the interpretation of such wording as "as the case requires", "in any other manner", and "directly or indirectly", as appearing in relative clauses. To endeavour to anticipate the nature or approach of all conceivable types of advertisements is not a practical feasibility.

In commending the Bill to members I believe we have tightened up considerably on the relative provisions in the principal Act. The effect of the legislation will be watched closely, and we will continue to try to prevent loopholes which might still permit abuses and to try to prevent them in due course.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

House adjourned at 10.52 p.m.

Legislative Council

Wednesday, the 16th October, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): ASSENT

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

1. Town Planning and Development Act Amendment Bill.
2. Explosives and Dangerous Goods Act Amendment Bill.
3. Nickel Refinery (Western Mining Corporation Limited) Agreement Act Amendment Bill.
4. Registration of Deeds Ordinance Amendment Bill.
5. Evidence Act Amendment Bill.
6. Junior Farmers' Movement Act Amendment Bill.

QUESTIONS (3): ON NOTICE

1. HOUSING

Pilbara and Kimberley

The Hon. J. C. TOZER, to the Minister for Justice:

(1) Is the Minister aware that his own replies to my questions on the subject of housing in the North reveals that—

(a) 25 houses will be built in the Kimberley in 1974-75, and that there were 204 outstanding applications for tenancy on the 30th September, 1974;

(b) 20 houses will be built in the Pilbara to satisfy the requirements of 341 outstanding applications on the same date; and

(c) there are 162 outstanding applications in Port/South Hedland alone, but only 10 homes are being provided in 1974-75?

(2) Is the Minister aware that there are approximately 950 families living in caravans on a permanent or semi-permanent basis in North Province?

(3) Is the Minister satisfied with his programme to meet the needs of the expanding communities in the North?

(4) With the recent announcement of increased availability of funds for housing, will the Minister reassess his northern programme in an endeavour to ameliorate the housing crisis?

The Hon. N. McNEILL replied:

(1) No, since the figures quoted compare all applications with non-Aboriginal construction programme only. The correct position is—

(a) Kimberley—204 applications and 53 programmed.

(b) Pilbara—301 applications and 77 programmed.

(c) Port/South Hedland—162 applications and 22 programmed.

(2) I am not aware of the precise number of families living in caravans in the North. It is known that many of these families are not seeking alternate housing through the State Housing Commission.

(3) Yes, when one has regard for the wastage in applications, the tenancy turnover in existing housing stock, and the fact that programmes are periodically reviewed in the light of available funds, relative needs in the various towns in the State, and a broad aim to keep waiting times not more than twelve months anywhere in the State. Based on estimated wastage and turnover rates from recent experience, the situation in the areas referred to in the question is—

	Kimberley		Pilbara		Port/South Hedland	
Applications Outstanding		204		301		162
LESS—						
Under construction	10		20		13	
New construction	53		77		22	
Turnover	90		191		150	
Wastage	51	204	85	373	41	226
Net outstanding at end of a year		Nil		—72		—64