Legislative Council

Thursday, the 7th May, 1970

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

QUESTIONS (13): ON NOTICE

1. PERTH CULTURAL CENTRE

Plan for Development

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

(1) Has an overall plan for the development of the area known as the Perth Cultural Centre been prepared?

(2) Have occupiers of premises in William Street, affected by the proposed Centre, been served with resumption notices?

(3) For what further period may these occupiers reasonably expect to continue to use their premises?

The Hon. A. F. GRIFFITH replied:

(1) Feasibility studies have been carried out and schematic designs prepared.

(2) No. Properties are being purchased by negotiation.

(3) Has not been determined.

2. TELEVISION

North-West

The Hon. G. E. D. BRAND, to the Minister for Mines:

With the announcement that mining towns in North West remote areas would soon be receiving television per medium of low power repeat stations, can the Minister ascertain when important towns in the Murchison and North Eastern Goldfields will receive the benefit of this amenity?

The Hon. A. F. GRIFFITH replied:

I am unable to provide information as to when important towns in the Murchison and North Eastern Goldfields will receive the benefit of television per medium of low power repeat stations.

Any decision with regard to this matter rests with the Australian Broadcasting Control Board and the Postmaster General, with final approval by Federal Cabinet.

For the Honourable Member's information Mt. Newman Mining Company Pty. Ltd. is meeting the capital cost of the low power transmitter and the installation costs at Newman; Hamersley Iron Pty. Ltd. at Dampier and Tom Price; and Dampier Mining Co. Ltd. at Koolan and Cockatoo Islands. Goldsworthy Mining Limited has installed at its own cost a closed circuit television system at Goldsworthy.

3. TRAFFIC LIGHTS

Duncan Street-Shepperton Road

The Hon. J. DOLAN, to the Minister for Mines:

(1) Is it intended that Shepperton Road and Albany Highway, as contained in a report on Page 20 of *The West Australian* of the 6th May, 1970, are to become priority roads on the 13th May, 1970?

(2) If so, will urgent consideration be given to establishing traffic lights at the corner of Duncan Street and Shepperton Road?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Traffic signals at Shepperton Road and Duncan Street are programmed for 1970-71.

4. EDUCATION

New Technical College

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

(1) Have plans been prepared, or in the course of preparation, for the construction of a new technical college on either—

(a) the St. George's Terrace site; or

(b) a site within the Perth Cultural Centre?

(2) When is it expected that a new college on either site will be completed.

(3) If the answer to (1) is "No" what are the Government's present plans regarding the provision of technical education within the City?

The Hon. A. F. GRIFFITH replied:

(1) (a) and (b) It is the intention of the Department to erect a new Technical College on a site within the Perth Cultural Centre but no planning has yet been done.

(2) This will depend on the programme for the total development of the Cultural Centre.

(3) See answer to (1).

5. ABATTOIRS

Slaughtering Charges

The Hon. CLIVE GRIFFITHS (for the Hon. C. R. Abbey), to the Minister for Mines:

(1) What increases, if any, are to be made to slaughtering charges at Midland Junction Abattoirs?

(2) If charges are to be increased, what is the reason?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The Minister for Agriculture is not aware of any request from the Midland Junction Abattoir Board to increase slaughtering charges.

6. *This question was withdrawn.*

7. WHEAT

Quotas

The Hon. T. O. PERRY (for the Hon. N. E. Baxter), to the Minister for Mines:

As approximately 50 per cent. of 1969-70 shortfall is to be added to qualifying quotas for 1970-71 harvest, what will happen to the shortfall residue of 1969-70 harvest?

The Hon. A. F. GRIFFITH replied:

The Wheat Delivery Quotas Act specifies that an individual's over-quota wheat produced in 1969-1970 must be deducted in full from his quota in 1970-1971 or subsequent years when the 1970-1971 quota is less than the amount of over-quota wheat to be deducted.

The over-quota wheat will be added to the shortfall allowance of farmers with shortfall entitlement, except that part will be used in providing part of the wheat used for raising quotas of established farmers with quotas below the specified minimum for their districts. It is expected that less than 500,000 bushels will be used for this latter purpose.

The balance of a grower's shortfall entitlement will be recorded and the position reviewed annually prior to the allocation of quotas.

8. SHEEP

Properties: Comparative Rating

The Hon. G. E. D. BRAND, to the Minister for Mines:

Is the Minister aware that 8,000 sheep can be run on a relatively small, low rated property, whereas in pastoral areas much larger properties, attracting higher rates, are necessary to maintain the same number of sheep?

The Hon. A. F. GRIFFITH replied:

Yes.

9. FRUIT FLY

Incidence

The Hon. E. C. HOUSE, to the Minister for Mines:

(1) Has there been an increase in the incidence of fruit fly in Western Australia during the last twelve months?

(2) (a) Have there been outbreaks in country areas which were free of fruit fly prior to last season; and

(b) if so, what were the new areas reported to contain fruit fly?

(3) (a) Is there State wide control of fruit fly baiting; and

(b) if not, would the Minister instigate State wide control with compulsory baiting?

(4) (a) Is it possible by an intensive campaign to eradicate fruit fly from Western Australia in the near future; and

(b) if so, what proposals or new methods will be adopted by the Department of Agriculture to achieve total eradication of fruit fly?

The Hon. A. F. GRIFFITH replied:

(1) Yes, when compared with the previous season, however the incidence has been no higher than for 1967-68 or the average for the last five years.

(2) (a) and (b) No.

(3) (a) Owners and occupiers of properties where fruit trees are growing are required under the Plant Diseases Act to carry out prescribed fruit fly control measures. The Government has sponsored the introduction of Compulsory Fruit Fly Baiting Schemes in Local Government areas subject to a favourable poll of registered fruit growers.

(b) Control of fruit fly is primarily the responsibility of the individual. A centrally controlled State-wide scheme is not practicable.

(4) (a) No.

(b) Answered by (4) (a).

10. *This question was postponed.*

11. WHEAT

Quotas

The Hon. T. O. PERRY (for the Hon. N. E. Baxter), to the Minister for Mines:

Further to the reply to my question on the 5th May, 1970, what mode of allocation amongst growers, of amounts to be deducted, is proposed for the over-supply of 4.8 million bushels?

The Hon. A. F. GRIFFITH replied:

Individual growers' deliveries of over-quota wheat in 1969-1970 season will be distributed to growers whose deliveries fell short of

their quota entitlement in 1969-1970 season, except that about 500,000 bushels may be required to correct quota anomalies of last season.

12 and 13. *These questions were postponed.*

PORT HEDLAND PORT AUTHORITY BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.44 p.m.]: I move—

That the Bill be now read a second time.

The provisions in this Bill for the formation of a port authority to control the works at Port Hedland are similar to those contained in the legislation under which the port authorities of Fremantle, Albany, Bunbury, Geraldton, and Esperance are constituted.

There are, however, three notable exceptions; namely—

(a) that two of the five members shall be nominees of the Mount Newman and Mount Goldsworthy companies, respectively;

(b) that there should be protection against the authority seeking to impose obligations on the developers of the port beyond the conditions to which they have been committed under State agreements; and

(c) that no ceiling be placed on the amount of improvement rate which can be levied, and to allow it to be levied on some users and not others.

It has been the Government's plan and policy to pass over control of outports into local hands when the ports have reached a sufficiently advanced stage of development. This policy has been carried out, and last year two new port authorities were created for the outports of Geraldton and Esperance. This form of decentralised port control has worked quite well and efficiently. One of the advantages is that it brings in additional loan moneys in a different form, which is catered for under the Loan Council system.

In explaining the reason for the first exception previously referred to, it should be appreciated that the Mount Goldsworthy and Mount Newman companies provided more than $20,000,000, to dredge the port in order to make it available for the export of iron ore. They will be responsible for more than 90 per cent. of the cargo handled at the port. Because of this, it is considered reasonable that these two companies should have direct representation on the port authority, but I would emphasise that there would still be a majority of Government representatives.

The second exception to the normal run of port authority establishments is self-explanatory in the case of Port Hedland and covers the company from being made to assume greater obligations than it would have had to undertake under the agreements with the State and with which the State has already dealt.

In explanation of the need for the third exception, it should be noted that a "harbour improvement rate" is a charge sometimes levied against ships or cargo for improvements or facilities which have been provided for a port; for instance, an improvement rate is levied against a ship in the Ports of Geraldton and Esperance. Although such a rate has not been in operation at Fremantle, there is provision for it to be levied, if necessary, under section 43 of the Fremantle Port Authority Act.

If the dredging and harbour facilities at Port Hedland, which have been provided by the Mount Goldsworthy and Mount Newman companies, are to be taken over by the port authority as is intended, then the way of financing such a takeover would be by means of a harbour improvement rate levied on the companies and based on the tonnages handled by those companies. At present, it cannot be estimated what this rate will be, and it could conceivably be more than the 10c ceiling provided in the appropriate section of the Fremantle Port Authority Act. Consequently, it is desired to have no ceilings on the rate incorporated in the provisions of this new legislation and also that there can be discrimination in the rate to accord with the differing financial commitments of the companies involved. In addition, the provision will enable some companies to be excluded from having to pay an improvement rate.

That the port as at present existing at Port Hedland, despite its greater complexity, now fits into this established port authority pattern is exemplified by the tremendous developments that have, in the past few years, transformed Port Hedland from an obscure outport to one of Australia's most important ports, which will make a major contribution to the nation's economy.

To briefly relate this progression of events, I would mention that, in 1964, no more than 50,000 tons of cargo were handled by 103 vessels in the port. Since then, the operations of Goldsworthy Mining Limited increased this to 4,462,000 tons handled by 313 vessels in 1968. In the 1969 financial year, 381 vessels landed

5,897,906 tons of cargo. The main commodities in order of quantity were iron ore, manganese, salt, wool and general cargo, in that order. It is estimated that the quantity of cargo will increase to approximately 30,000,000 tons by 1974. It is also estimated that approximately 800 ships will be necessary to carry this cargo. From these figures alone, it is apparent that Port Hedland has grown into a port of great magnitude.

It may be of interest if I mention that the largest vessel handled to date in the port is 78,000 tons dead weight and 815 feet in length.

A current improvement now in course is the provision of adequate control of the increasing shipping activity through the medium of a new control tower, which is nearing completion at a cost in the vicinity of $350,000. The 120-foot high tower is made of prestressed concrete and is of unique design. It will have modern V.H.F. equipment and provision has been made for future installation of radar.

Before concluding my remarks, I think it may be of more than passing interest to mention that, in 1966, under its agreement with the State, Goldsworthy Mining Limited established a loading facility at Finucane Island inside the harbour and dredged, at very considerable cost, the channel and turning basin to accommodate vessels up to 60,000 dead weight tons.

Then, under the agreement with the Leslie Salt Company, a new land-backed berth was constructed in 1968. The first shipment of salt was made in March, 1969. The total cost of the berth and dredging works was $2,318,000 of which Leslie Salt Company contributed $1,200,000 and Mount Newman Mining Co. Pty. Ltd contributed $600,000. Further costly improvements to channels and waterways were undertaken by Mount Newman Mining Co. Pty. Ltd. during 1968-69.

The construction of an iron ore loading pier by the company was completed at Nelson Point early in 1969, and the first shipment of iron ore was made in April, 1969.

Mount Newman Mining Co. Pty. Ltd. is currently proceeding with a further stage of harbour development and it is anticipated that, by the end of 1970, the harbour will accommodate vessels of 100,000 dead weight tons. Under certain conditions, it may be anticipated that the figure could be exceeded by a considerable amount. Work is proceeding on the construction of a second ore loading pier.

The area of land presently available for general cargo purposes is approximately 13 acres adjacent to the town.

From the foregoing, it will be apparent that the Port of Port Hedland has reached the stage where it fits into the Government's plan and policy of passing over control of outports into local hands when the ports have reached a sufficiently advanced stage of development, and I accordingly commend this Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by The Hon. F. J. S. Wise.

(Continued on page 3776.)

PARLIAMENTARY SUPERANNUATION BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.55 p.m.]: I move—

> That the Bill be now read a second time.

The original scheme of superannuation for members of Parliament came into operation on the 1st July, 1944. It was redesigned in 1948 and has been amended on a number of occasions since.

The amendments from time to time were aimed at maintaining benefits at reasonable levels but this they failed to do, particularly in the case of former members who have been in retirement for some years, with the result that pensions have not responded adequately to changed economic circumstances.

The existing scheme has another unsatisfactory feature in that it makes no provision for higher pensions to those members who have contributed to the fund for periods exceeding 16 years, notwithstanding the additional contributions made by them. Apart from its unsatisfactory features, the scheme itself is antiquated and needs modernising, which is the object of the Bill now before you.

In brief, the Bill provides for a new scheme to operate from the 1st January this year. Its main features are—

- Increased contributions by members, A higher Government contribution to the fund.
- Increased benefits based on the period a member has contributed to the fund and the nature of his services.
- Automatic variation of contributions and benefits to accord with movements in parliamentary salaries during a member's service.
- Supplementation of pension after a member's retirement based on subsequent movements in the basic salary of a member.
- Conversion of certain pensions or portions thereof to lump sum payments.

An entitlement to a widow of five-eights of the pension to which her husband would have been entitled but for his death.

Payment of a pension to a widow of a member who has contributed to the fund for less than seven years.

Allowances to children of a deceased member.

Present and future members are to contribute at the rate of 10 per cent. of salary prevailing from time to time. The rate for an ordinary member will therefore increase from $624 to $750 per annum from the 1st January last. In the case of a Minister, his contribution will rise to $1,180.

The Government contribution to the fund is set in the Bill at twice the amount of contributions paid by members. The cost to Consolidated Revenue in this calendar year will be $136,000 compared with $56,000 for the existing scheme.

The additional contribution by the Government is expected to meet the cost of the proposed new scheme but much will depend on future experience. In this respect, the Bill provides for an investigation by the Government Actuary into the state and sufficiency of the fund as at the 31st December, 1970, and at three-yearly intervals thereafter.

If the proposed Government contribution proves inadequate in the light of future experience, there is provision in the Bill for the payment into the fund of such additional amounts as the Government Actuary may certify to be necessary.

In his last report on the fund in 1968, the Government Actuary suggested that consideration be given to allowing members an option to convert pensions to lump sums and he also proposed additional pensions for members who have occupied positions entitling them to a higher salary than the basic parliamentary salary. The Government has accepted the actuary's advice on both counts and suitable provisions are included in the Bill to give effect to his proposals.

The basic pension entitlement after seven years of contribution to the fund is to be 30 per cent. of the basic parliamentary salary at the date a person ceased to be a member, rising by 1 per cent. for each further six months of contributory service to a maximum of 66 per cent. for 25 years of contributory service.

The present basic salary is $7,500 per annum which gives a basic pension entitlement to serving members ranging from $2,250 per annum to $4,950 per annum according to the period of contributory service. The basic pension entitlement at the 1st January, 1970, of a former member in receipt of pension immediately prior to that date, is to be calculated on the basis of the basic salary ruling at the date he ceased to be a member.

Persons who ceased to be members before the 16th September, 1968, which was the date of the last increase in the basic salary of a member, will, therefore, have a lower basic pension entitlement at the 1st January, 1970, than those who ceased to be members after the 16th September, 1968.

Where a serving member has held an office entitling him to salary in addition to the basic salary of a member, his basic pension is to be increased by a factor made up of the total salary paid to him over his period of contributory service, divided by the total basic salary paid to him over the same period. Members now occupying such offices will be required, of course, to contribute to this extra pension by virtue of having to pay 10 per cent. of their total salary into the fund.

A former member on pension at the 31st December, 1969, will be similarly treated, except that in his case any increase in pension by reason of occupancy of higher office will be reduced by one-third as no extra contribution has been made by the member for the extra pension.

A similar principle has been applied with the updating of pensions. Updating of a pension can only take place following a movement in the basic salary after a person has ceased to be a member.

In the future, an increase in the basic salary will be accompanied, automatically, by an increase in members' contributions and pension entitlements. However, as a former member is not required to pay this high contribution, he should not receive the full benefit of the automatic increase in pensions. Provision has therefore been made in the Bill to reduce the pension increase by one-third.

The one-third reductions to which I have referred represent the assumed proportion of pension applicable to a member's contribution which, in turn, is based on the Government's contribution to the fund of twice the member's contribution.

In the case of a person who ceases to be a member before attaining the age of 40 years, the whole of his pension entitlement is to be converted to a lump sum. The conversion factor is to be 10 irrespective of the age of the member. There is to be no residual widow's benefit in such a case.

For members between 40 and 65 years of age, conversion to a lump sum is to be optional and is set by the Bill at 75 per cent. of the basic pension entitlement less 1 per cent. for each six months that the member is over 40 years of age. For members over 65 years of age the option to convert is to be fixed at up to 25 per cent. of the basic pension entitlement.

However, conversion of pension or any part thereof to a lump sum is not to be permitted in the case of a member who retires on the ground of ill-health before completing 15 years service or attaining the age of 55 years.

The widow of a former member who took part of his pension in the form of a lump sum is to be entitled to five-eighths of her late husband's residual pension. Under the existing scheme, a widow is paid 75 per cent. of her late husband's pension entitlement but for his death, and this is fully justified when pensions are minimal.

However, in view of the improved benefits provided in the new scheme, it is considered that a widow's pension should be reduced to five-eighths of her late husband's entitlement, which is a proportion more in keeping with other pension schemes. At the same time, it is appreciated that a widow with children at school, or attending a university or similar institution, could be faced with financial hardship and for this reason allowances are provided in the Bill for such children.

The allowance for each child whilst the deceased member or former member is survived by a widow is 3 per cent. of the basic salary of a member from time to time. At present, this represents an annual rate of $225. If such children become double orphans then the allowance for each child is to be increased to 6 per cent. of the basic salary.

Provision is also made in the Bill to pay a pension to the widow of a serving member who dies before completing seven years of contributory service. In such a case, the widow's pension is to be fixed at five-eighths of her late husband's pension entitlement had he contributed to the fund for seven years and been in receipt of the basic salary of a member for that period.

If a former member in receipt of pension again becomes a member, his pension is, of course, terminated. This is essential as further contributory service will attract a higher rate of pension for the member. This further service could not be counted if he were to draw pension or any portion thereof during the period of such further service.

However, where a former member in receipt of pension becomes a member of the Parliament of the Commonwealth, or of any other State, or holds an office of profit under the Crown, service in such a capacity does not result in any addition to his parliamentary pension. In such a case, there is therefore justification for allowing the former member to retain at least a portion of his pension entitlement.

Provision is contained in the Bill which would permit continued payment of pension to a former member without reduction where other remuneration received by him from the Crown does not exceed the ruling basic salary of a member less two-thirds of the pension payable to that former member from time to time.

Where the remuneration received is in excess of the basic salary less two-thirds of pension, then the member's pension would be reduced by $1 for every $1 of the excess until reduced to one-third of such pension. Thus, a former member in receipt of other remuneration from the Crown would be entitled to draw at least one-third of his pension during the period he receives such remuneration.

I feel sure that a study of the Bill will convince members that the proposed new scheme has been well thought out and is a well-founded one. It is a big improvement on the existing scheme, which for a long time has been badly in need of a thorough overhaul.

I am therefore pleased to commend the Bill to members.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.8 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to overcome a problem which has arisen in respect of the term of office of the Chairman and members of the Eastern Goldfields Transport Board.

The board, as at present constituted, consists of a chairman and two representatives of each of the three local authorities named in the Act—one, in each case, elected by the ratepayers and one elected by the council. The two-year term for which the members have been appointed will expire on the 30th June next.

The three local authorities named are the Municipality of the Town of Kalgoorlie, the Town of Boulder, and the Shire of Kalgoorlie. The two last-mentioned local authorities are no longer in existence. Hence there is no provision for election of representatives to hold office after the end of June. This will leave the board without a quorum, which, at present, comprises a chairman plus four other members.

As members are aware, the two areas formerly controlled by the Town of Boulder and the Kalgoorlie Shire Council, respectively, have been amalgamated into one area now known as the Boulder Shire Council. The ramifications of this amalgamation, which has only recently been concluded, have extended over a considerable period of time. Because of the

uncertainty of the final outcome, it has not been possible to determine what the composition of the Eastern Goldfields Transport Board should be after the 30th June, 1970.

If no legislative action is taken, an untenable position will arise on the 1st July. There would be no-one with authority to provide finance and operate the bus services for which this board is responsible, and employees could perhaps find themselves without employment.

It might be suggested that, under such circumstances, the Government should assume control in order to avoid complications. However, it is considered that even this action would require some enabling legislation. The best plan is for the existing board members to continue in office until the composition of the new board is determined. However, members are not prepared to continue acting unless they are given some legal authority to do so.

The Bill proposes, therefore, to extend the two-year term of office of the chairman and each board member for a further period of 12 months—that is, until the 30th June, 1971. Section 22 of the Act provides that the election of members shall be held not later than the month of June. This extension of the term of office, if agreed upon, will provide sufficient time for the local authorities concerned to determine the composition of the board and conduct the necessary elections before or during June of next year.

The Bill also makes provision for the board to function notwithstanding any vacancy in the office of member which may occur and reduces the number required for a quorum by the number of such vacancies. This provision is necessary because, should any such vacancy occur, there is, as members are aware, only one local authority such as is named in the principal Act in existence to elect a member to fill the vacancy.

These provisions will enable the board to function for another 12 months, thereby overcoming, for the time being, the problem which has arisen.

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

STRATA TITLES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th May.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.12 p.m.]: Mr. President, this Bill seeks to replace a section which we took out of the Strata Titles Act last year. This will make sections 21 and 22 of the Town Planning and Development Act again operative.

It was expected that as a result of the action taken last year there would be greater facility in development outside of the metropolitan area. The Minister relies heavily on the recommendations and advice of the Chief Planner of the Town Planning Department, Dr. David Carr, who has informed the Minister for Town Planning that in his belief this section should be reinstated to give the Town Planning Board some say in developments that have been contemplated in the past 12 months. In support of his contention Dr. Carr advised the Minister as follows:—

> The interesting and important aspect of the proposals from the administrative viewpoint is that in respect of some of these projects the developers do not envisage any amendment to zoning in the metropolitan region scheme, nor do they intend applying in any of the cases for the consent of the Town Planning Board to subdivide and create new lots upon which each patio house or flat building could be erected. The intention is to provide either a strata title or, under the Companies Act, a share in the developing and holding company; apparently with a legal document allocating the shareholder the sole right to a particular patio house and its curtilage and a shared community use right to the recreation facilties.
>
> Where the strata title procedure is used, the purchaser of a patio unit would not necessarily be entitled to use automatically the club facilities. Furthermore, in the projects sighted, the developers do not intend to set aside and vest any land for public open space purposes, nor do they intend setting aside sites for schools and appropriate community facilities.

Those are rather strong words and obviously have brought about the proposition which is before us. However, I am a little concerned to think that the local authorities, who I imagine would have had the overriding say once these developers moved outside the orbit of the Town Planning Department, should not have allowed for the very essential ingredients, which have been referred to by the planning authorities, before they gave their blessing to such development.

It would appear to me that there is such a grave risk that local authority approval could be obtained for something that would not be given approval by the town planning authority that there is some cause for concern. I think all authorities should have one idea in principle when it comes to development, whether that development be within the metropolitan area or just outside it. So, with that thought in mind, the Bill appears to me to be some assurance that we do not have development which lacks some essential component.

However, a further quotation by the Minister from the file submitted by the town planning authority reads as follows:—

> One developer prepared plans showing a large parcel of land on which is envisaged a club with adjacent golf course, riding school, homes for the aged, and hundreds of patio houses developed in two phases in a cluster pattern on the periphery of the golf course or the lake. The project also envisages the development of shopping facilities for use by persons living in the club, as well as by the passing public.

My reaction to that was that this is good development, and it was disappointing to find that it fell short of town planning requirements in that there was no site for a school or appropriate community facilities.

The point that worries me with the Bill is this: Are developments projects such as were outlined in the Minister's speech to be held up on a temporary basis because of a lack in some respects? Because they do not conform in some small way to the planning authority's requirements? If that be the case, then I am all in favour of the measure because it would mean we would get some systematic development; we would get orderly development; and we would get development which was without fault in so far as that is possible in this day and age.

However, in one part of his report to the Minister Dr. Carr went on to say that projects should not be permitted—I took those words out of context, but that is what he said.

With the reinstatement of the provision in the Strata Titles Act—having regard to its effect under sections 21 and 22 of the Town Planning and Development Act—there will be a big difference between simply deferring a developmental project so that some small contingency can be overcome and the deferment of some project indefinitely. In other words, I hope we are not writing back into the legislation a provision to allow for something indeterminate, having regard for the fact that the town planning authority is essentially an orderly body and that some proclaimed urban areas will be held for many years.

I am not suggesting that we allow any breakdown of that principle even though one could argue, perhaps, that we would get quicker development if there was some breakdown in that regard. I would hesitate to think that I was doing something which would prevent development on the outer fringe simply because some small detail was not being complied with. However, one could never allow development to proceed without provision being made for a school site, for adequate roads, and so forth. The sort of development I do not like is that in which there is an indefinite proposition with regard to titles. I do not like to think that people can subscribe to this country club idea and, either through a section in the Companies Act or through the Strata Titles Act they can only be granted a title of sorts. In other words, as I see it, they will not own their own land.

Such a proposition would be a most unsatisfactory one and as I understand the position, after reading the legislation, and the Minister's remarks, in certain instances a person may not be able to enter on some of the land in the project that is being developed even though he may be a strata title holder or, alternatively, a shareholder under the Companies Act.

If that is the sort of thing that can happen the position is serious indeed. For that reason I intend to support the Bill because I hope it will reinstate orderly development. However, I hope that the passing of this measure will not give to the town planning authority a feeling that it can say, "Such and such a development cannot go on under any circumstances until we are ready for it to go ahead and until we are ready for the next phase of development." I would not like some of these developers to lose the initiative they have or to stop some of the development that has taken place as a result of the amendment made to the Act last year.

It could be said and has been said that certain developers have taken advantage of the situation and have tried to come forward with a developmental project which is not as comprehensive as it should be. Be that as it may, it may not yet be too late to allow some of the big developmental projects to proceed, particularly when they provide for a water supply, sanitation, golf links, open space, and so on. That all sounds good to me, as did the project which envisaged the building of 1,000 homes. If these are the types of projects that are almost knocking on our door, then I hope the town planning authorities, when they have the right to have some say—as they asked for, and which is logical enough, particularly in view of some of the legislation we have passed this session, including the Kewdale Lands Development Act Amendment Bill which provided for forward planning many years ahead—will not prevent those projects from proceeding. I realise that the town planning people must have a right to veto, but I think that right should be used in a common-sense way.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.25 p.m.]: I appreciate Mr. Willesee's remarks in support of this small Bill and I would like to reiterate the concluding comments I made when I introduced the measure. I said that while the Government saw the necessity to put back into the Town Planning Department's hands the authority to cause project developers of the

nature I outlined to go on the Town Planning Board with their plans for the necessary approval, the idea was that each of these projects was to be considered on its merits.

I observed that Mr. Willesee was quick to pick up the remarks made by Dr. Carr in his minute when he said that projects of this nature should not be permitted. I want it to be understood that that is not the Government's view—that projects of this nature should not be permitted. It is the Government's intention that the Town Planning Board should have a say in the permission given for these projects because where permission is given for subdivision, whether in the corridor area, or any other area, the conditions that are laid down for that subdivision should be carried out.

It is not a good state of affairs if one developer has to abide by certain conditions and another developer, by avoiding subdivision requirements, can get under the fence by the type of development that I outlined when I introduced the Bill. I am not saying for one moment, of course, that the type of project I outlined is not an excellent one. If somebody has land which is well situated, perhaps near a lake and in attractive country, and he intends to build a golf club and all the other amenities that go with it, and then build lots of houses with the idea of selling those houses under some form of strata title which does not give the purchasers any security, or much in the way of security, then in my view it is an undesirable state of affairs.

The Hon. W. F. Willesee: I agree.

The Hon. A. F. GRIFFITH: We do not want purchasers of houses of that type to be left lamenting and to find subsequently that the contracts they signed with the project developer are, to say the least, not to their advantage, and may even be to their very great disadvantage.

I conclude by saying again that it is not the intention of the Government that applications of the nature to which we have been referring should be met with a blank wall. Each application will be considered on its merits, and if an application has merit then it will be possible for the Town Planning Board to give the developer permission to go ahead. It is better to have such a state of affairs than for the authority to be put in the position where it has no say and a project developer, undertaking this type of development, can go ahead without reference at all to the town planning authorities.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 5—

The Hon. W. F. WILLESEE: I wonder whether the Minister can enlarge on the point as to why it is these developers are moving into the strata title field rather than the simple title field. This could be the cause of the problem.

The Hon. A. F. GRIFFITH: I understand they are moving into the strata title field because there is no simple title; the land still remains in broadacres. There is no simple title because no provision has been made to subdivide the land.

The Hon. R. Thompson: These projects could be constructed on rural land.

The Hon. A. F. GRIFFITH: That is the whole point. The example I gave as reported by the town planning authorities indicated that these projects were on rural land.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

ELECTORAL ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

Sitting suspended from 5.36 to 5.58 p.m.

LIQUOR BILL

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.59 p.m.]: I move—

That the Bill be now read a second time.

I know it is against the Standing Orders of the House to quote from Press cuttings, but without making any reference to the Press, I would like to say that in one of our papers there is a large headline reading, " NO PUBLIC SAY ON DRINK BILL." The only reason I mention this is because I think it is a little forward of that particular paper to print such a statement when the Legislative Council has not considered the Bill.

In case my comments might be misinterpreted in some way, I also want to make it clear that I personally do not favour a referendum on the question of Sunday trading. I will come to that matter shortly.

Members are aware that the Government decided some time ago to appoint an independent committee to inquire into the liquor laws of this State. We asked Mr. P. R. Adams, Q.C., Mr. John Ahern, and Mrs. Robin Clarke to undertake that work as a committee. I recommended to the Government that a committee should be set up and, because of this responsibility, I want to take an early opportunity to express my thanks in this House to those three people, not only for undertaking the task but also for the concentrated effort on their part to produce what I personally consider is a very substantial and good report on the subject of liquor.

It would be perfectly true to say that no committee could expect to please everybody or every section of the community when faced with the task which this committee had to undertake.

I would also like to take the opportunity to express a word of thanks to Mr. D. G. Sander who, at the time the committee was appointed, was an officer in the drafting section of the Crown Law Department. At my invitation, he became counsel to assist the committee and together with Mr. Adams and his two colleagues also worked tirelessly for the purpose of allowing this Bill to be brought before the Parliament. He has now retired from the Public Service, but he told me that he was quite prepared to see the Bill through, in respect of its drafting, and also to give advice in respect of the passage of the Bill through Parliament.

When the Bill was introduced into the Legislative Assembly it contained 177 clauses. The Bill which has come to us this evening after an extremely long debate in another place contains 176 clauses. In numerical terms, this means that the Bill before us contains one clause fewer than the Bill which was introduced in another place. That, of course, is insignificant. However, it is significant for me to say, without talking about the debate in another place, that a great deal of attention was given to the various clauses in the Bill and a considerable number of amendments were made.

I mention this fact because, at the time the Bill was first introduced into Parliament, I obtained sufficient copies of the measure and the explanatory memorandum attached to it to distribute to the members of this House. I wanted members to have a copy of the Bill, as it was introduced in another place, and a copy of the memorandum. I have often thought it would be a good move if it were possible for Ministers to produce an explanatory memorandum with all Bills introduced. Who knows? Perhaps one of these days I might be able to arrange for the drafting section of the Crown Law Department to do that. However, I do not want to be committed at this point of time. I have mentioned the memorandum, purely because it served a very useful purpose in explaining to members in another place—and I am sure to members in this Chamber—the contents of the Bill under discussion.

As members are aware, the work which was undertaken by the committee took a considerable period of time to complete. The committee received quite voluminous evidence and submissions from many sections of the community. In submitting the report to the Government, I am sure the committee had in mind the necessity to update—if I may use that expression—the liquor laws of the community.

Although the relationship between the Bill, as introduced in another place, and the explanatory memorandum which accompanied it is, to a large extent not the same with respect to the Bill which we now have before us, the principles of the Bill remain the same, although many amendments have been made.

There are many important matters in the Bill which, if passed, will effect great change in the legislative practice which has been in existence up to now. One of the most important, in all probability, is a subject which I have already mentioned and one which gained the attention of the evening Press; namely, Sunday trading in the metropolitan area.

So far as I personally am concerned, it would not worry me if there was not a hotel open anywhere on a Sunday. I am not a teetotaller, but any drinking which I do on Sundays is usually done at home with my family. Nevertheless, I have a responsibility—as we all have, as legislators—beyond personal thoughts on a question of this nature. Although each person is entitled to say, "I believe this way is right for me" he also has a responsibility to legislate in the way he thinks the members of the public want. Therefore, as I have indicated, I propose to support the question of Sunday trading in the metropolitan area, as contained in the Bill. Country areas already have these trading hours.

Members will know from their study of the initial Bill that the hours of trading recommended by the committee of inquiry into the liquor laws have now been changed as a result of amendments passed in another place. Certainly, members in another place had conflicting views on this subject and they voted on whether the matter should go to a referendum. Members in another place decided quite conclusively, by a majority, that it should not go to a referendum.

We are all aware of the other extremely important provision in the Bill; namely, the lowering of the drinking age to 18 years. I am sure this is a question which every member in this House will find difficult to decide. Nevertheless, each member must decide the way he will cast his vote in connection with the lowering of the drinking age.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. A. F. GRIFFITH: Prior to the tea suspension I was introducing a most important aspect of this Bill relating to the lowering of what is known as the legal drinking age. Members will recall that I mentioned that I thought every member in the Chamber has a responsibility to vote on the clause, in exactly the same manner as he has a responsibility in connection with the rest of the Bill. I also mentioned that this is a subject upon which a decision is not easy to make. The report of the committee of inquiry relates that in 1911 the legal drinking age in Western Australia was 16; in 1917 it was raised to 18; and in 1922 it was raised to 21. The report also relates that no reason was given by the Government of the day for increasing the age to 21 years, and the matter was not debated in the Parliament at the time.

The report goes on to state that it may not be without significance, however, that this was one of the numerous restrictive amendments made to the liquor laws in 1922 in the anti-liquor atmosphere of the time when—as a perusal of the proceedings of the 1921 Royal Commission shows—there were many people who thought that prohibition, or at least drastic reduction of consumption was the answer to the "evils" of drink.

I think it is interesting to observe that the legal drinking ages in the various States of Australia are as follows:—

New South Wales (since 1905) 18 years.

Victoria (since 1906) 18 years.

Australian Capital Territory (since 1929) 18 years.

South Australia (was 21 but reduced in 1969) 20 years.

Tasmania (was 21 but reduced in 1969) 20 years.

Queensland (since 1912) 21 years.

Western Australia (since 1922) 21 years.

I do not propose to say more upon that subject at this stage. I think when the Bill goes into Committee and this provision is debated further comments will be made. Suffice it to say that I, personally, intend to support the recommendation of the committee and the clause of the Bill which provides for the lowering of the legal drinking age to 18 years. Beyond that I do not think I need qualify my remarks, because an opportunity will arise at a later date for that purpose.

In many other respects the Bill revises the law relating to the consumption of liquor in our State. For instance, it provides for the issue of a number of new types of licenses. Again, I do not propose to spend much time on this subject because I feel the Bill is fundamentally one for Committee discussion, and I am sure considerable discussion will take place at that stage.

It will be obvious to members that I have had neither the time nor the opportunity to address myself to the various clauses in the Bill, as we are sometimes prone to do in this House, for the very reason that the Bill emerged from the Legislative Assembly at about 2.30 a.m. this morning. The Clerks of that House did a wonderful job, and I think the Government Printer also deserves our commendation for the fact that he has been able to produce the Bill in its amended form for our consideration. This was difficult owing to the many amendments to it during the course of the debate in another place.

Some of the clauses as amended are difficult to read and difficult to understand. I do not say this in a critical or derogatory sense. However, it is true that in the interests of clarity the draftsman will have to spend some time with me in order to sort out some of the amendments passed in another place.

The Hon. F. J. S. Wise: Is that a major operation?

The Hon. A. F. GRIFFITH: It might be. I will have to get together with the draftsman and go through the Bill to find out whether clarity is necessary and, if so, present amendments to this House.

The Hon. W. F. Willesee: You concern me. The Bill we have before us is really not what is approved at the moment? You want to have a further look at it?

The Hon. A. F. GRIFFITH: Well, in the broadest sense this House always gives to itself the right to look at the legislation presented to it.

The Hon. W. F. Willesee: The point is that the Bill before us is not the Bill you are talking about.

The Hon. A. F. GRIFFITH: The Bill before us is the Bill as amended in the Legislative Assembly.

The Hon. W. F. Willesee: And you are accepting that?

The Hon. A. F. GRIFFITH: No; I am saying that because the Bill was amended in the Legislative Assembly a number of clauses will need further drafting amendments in the interests of clarity. I do not say that in a critical sense.

The Hon. W. F. Willesee: Let us finish on the word "clarity." Is it merely a matter of clarification?

The Hon. A. F. GRIFFITH: Yes, that is right.

The Hon. W. F. Willesee: Thank you.

The Hon. A. F. GRIFFITH: It is a matter of clarifying the drafting. I attended in another place for a considerable amount of time to gain an impression of what other people thought about the Bill. You know, Mr. Acting President (The Hon. F. D. Willmott), from reading the newspapers and the notice papers that are available

to us, to say the least, the members in another place had very divergent views upon a number of subjects. Some members placed amendments on the notice paper and other members placed different amendments on the notice paper in respect of the same clauses. All those divergent views have brought forward further matters for our consideration.

I would like to say also, without nominating the clauses at this time, there are some matters contained in the amendments made in another place with which I personally disagree. During the course of the Committee stage in this Chamber I want to take the opportunity to bring forward those matters with a view to having the members in this House give further thought to them. I do not think I need to say what those matters are at this particular time.

The Hon. W. F. Willesee: I think that is fair enough. I think we in this House must basically study the Bill now before us, and I believe this is the Bill that came from the Assembly.

The Hon. A. F. GRIFFITH: I beg the honourable member's pardon for misunderstanding him in the first place. Yes, of course, this is the Liqour Bill as amended in Committee in the Legislative Assembly which we now have before us. In fact, it is a rewrite of the original Bill. During the course of its consideration in another place it has been virtually rewritten, and it is now a revision of the licensing laws of this State.

I am prepared to say that to a substantial extent the attention given to this Bill, and the amendments to it in another place, met with my personal approval. However, I intend to bring forward certain matters for the attention and consideration of members of this House. I think when Mr. Willesee questioned me I was about to say that it had not been possible, owing to the lack of time, for me to bring forward the usual form of prepared speech notes giving a full description of the Bill. It has just not been possible to do that.

The Hon. W. F. Willesee: I think you are much better doing it this way.

The Hon. A. F. GRIFFITH: I am wondering about that myself. I think we have all had an opportunity to absorb the general principles contained in the measure owing to the fact that I was able to circulate copies of the Bill as presented to Parliament along with the explanatory memorandum. I think the principles come under two main categories. Firstly, the recommendations of the committee which the Bill seeks largely to put into legislative form; and, secondly, the draftsman's requirements in relation to the administrative side of the licensing laws which the committee, of course, did not take into consideration. The draftsman was obliged to transfer from the Licensing Act, 1911-69 to the Liquor Bill of 1970 many administrative provisions.

Perhaps my final remark is this: I think it is true to say that this Government—and all Governments of the past—has always said when introducing matters pertaining to liquor, "This is a piece of legislation upon which each member of Parliament may form his own opinion." This Bill is no exception. The Government intends, to a considerable extent—and I am sure that has been practised up to date—that it be what we like to term a non-party Bill.

This will mean that members will have an opportunity to display their sense of responsibility towards it and express what they think is the proper course to adopt in regard to the various clauses in the Bill. I reiterate the Government's viewpoint; namely, that this is how it wants the debate to take place in this House.

The many hours of debate that have been spent on the Bill in another place will probably reduce the volume of work we will have to do on the measure. Based on the number of members in each House, we could no doubt estimate the number of hours that will be devoted to the consideration of the Bill because there are 51 members in the Legislative Assembly and 30 members in this House. I think you have heard me say in the past Mr. Acting President (The Hon. F. D. Willmott), whenever I introduce a Bill to amend the licensing laws, the Dog Act, the Dividing Fences Act, the Firearms and Guns Act—

The Hon. G. C. MacKinnon: The Milk Act.

The Hon. A. F. GRIFFITH: Mr. MacKinnon has suggested that I should include the Milk Act among those Statutes, but at least in respect of the first four mentioned, whenever amendments are introduced, a great deal of thought is given to them and many divergent opinions are always expressed on them and the same can be said about this particular subject that is now before us for consideration.

I believe that when the Bill ultimately emerges from Parliament it will represent the collective views of the legislators of Western Australia whose responsibility it is to consider important matters of this nature. In uttering those words I am conveying to the House my own opinion; namely, it is Parliament's responsibility to decide the important questions of Sunday trading hours; the age at which a person should be entitled to drink, and the other important matters contained in the Bill.

Perhaps it would be advisable for me to say that I realise that Mr. Willesee, as Leader of the Opposition, will seek an adjournment of the debate on the second reading. I propose that the House should take its usual course and sit on Tuesday—there is no question of its sitting tomorrow

—but I would like to think that we could assemble at, say, 11 a.m. on Tuesday and take our time to debate the Bill not only during the second reading, but also in the Committee stage.

To the best of my ability I will be prepared and happy to assist members by providing any information that is available to me, bearing in mind I have a responsibility, not only as the Minister administering this legislation, but also to give members the benefit of my views on this important matter, and, of course, to listen to the views which all members of the House may express. I think I could be forgiven if I do not proceed further in explanation of the Bill. I repeat that I consider it is, in the main, a Committee measure. It will be considered clause by clause, having in mind, perhaps, what was originally proposed, and what amendments were made in another place, on which a decision will be made as to whether we agree with them, or have other ideas which we consider should be conveyed to the Legislative Assembly for its consideration. In this respect, I am sure we will follow our usual practice and will not hesitate to do that if we think it is the proper course to follow.

The Hon. W. F. Willesee: I wonder whether you would be prepared to have amendments placed on the notice paper before this weekend so that members would be able to study them and be in a better position to go straight ahead in the few days that are left to us.

The Hon. A. F. GRIFFITH: That is a most helpful suggestion, of which I would like to take advantage. I will certainly spend my time in placing on the notice paper the amendments I will seek. In the main, these are drafting amendments, and I say to other members of the House that if they have any amendments in mind they should make every endeavour to have them placed on the notice paper for Tuesday so that all members can become acquainted with them.

I did find extreme difficulty in dealing with the amendments that were placed on the notice paper in another place. They were brought on in batches at times on certain days, and I woke up each morning to find a fresh lot of amendments on the notice paper which required my attention. I can assure the House that my moments during the last few days have not been idly spent. I point out to members who wish to make any amendments to the Bill to put them on the notice paper so that sufficient time can be given to other members to consider them. I thank members for the patient hearing they have granted to me.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

COMPANIES ACT AMENDMENT BILL, 1970

Returned

Bill returned from the Assembly without amendment.

PORT HEDLAND PORT AUTHORITY BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. F. J. S. WISE (North) [7.52 p.m.]: As regards the first ground mentioned by the Leader of the House in relation to the Liquor Bill, this Bill is vastly different, in that it is not a non-party Bill.

The Hon. A. F. Griffith: I do not know about that.

The Hon. F. J. S. WISE: This Bill, which represents a matter of policy on the part of the Government, would create a head-on collision with the points of view held by members of the party to which I belong. I was interested in the few references of an historic nature made by the Minister when introducing the measure and in referring to the background of Port Hedland. In recent years remarkable changes have taken place in regard to both the harbour capacity and other port facilities at Port Hedland. The lifting of the ban on the export of iron ore was the crucial point which has brought about a complete change in many of the districts of the north-west of this State, and in many of the activities in those districts.

There are members in this House who will recall that, within the last 11 years, which is not a long time, a complete ban was placed by the Commonwealth on the export of iron ore from this State, and all the meetings that were held between the Commonwealth and the State Government to have the ban lifted were to no avail. However, despite that ban to export only a total of 1,000,000 tons of iron ore a decade ago, almost overnight we have been placed in the position where we can now proudly boast of being able to ship through one port 10,000,000 tons of iron ore a year.

One can imagine the vastly different circumstances that have brought that happening about. Last Saturday morning I saw a ship of a capacity of 70,000 tons leaving Port Hedland, whereas in earlier days, before the present harbour development took place, the largest ship to enter that port had a capacity of about 7,000 or 8,000 tons. Indeed, the shipping line conducted by Dalgety and Co. Limited, and the State Shipping Service had, as their biggest ship, one of 5,000 tons; and where the 3,000-ton ship *Mindaroo* went aground

for weeks in the harbour of Port Hedland only a few years ago, today there is a turning basin which will accommodate ships with a draught of 50 feet and a capacity of 80,000 tons. That turning basin is now situated on the very spot where the *Mindaroo* went aground.

The harbour has been so developed that, as a result of the dredging and the developmental work performed, we have, instead of low marshy country inhabited mostly by sandflies in former years, hundreds of acres of great depth of soil on which substantial structures are built; on which is stockpiled hundreds of thousands of tons of iron ore and other commodities awaiting shipment; where there are situated power stations, operational plants, and substantial berthage constructed in concrete.

Its transformation is to be appreciated in the light of the background of a few years ago, and the transformation has taken place simply because Port Hedland now has the facilities and the ability to transport through the harbour one commodity of which we have, in a world sense, vast quantities in this State.

One important feature of the complete development of Port Hedland as a port is that its capacity is limited only by the ability to dredge much further inland, because the waterways are there, and to place the spoil or the material from the dredges onto high ground offers a wonderful opportunity—and it is anticipated there will be an opportunity—to berth ships of a capacity greatly in excess of 80,000 tons in the Port Hedland Harbour within a short time.

This harbour has been controlled in more recent years by the Harbour and Light Department. That department has performed a remarkable task and I am surprised that some tribute has not been paid to it and its officers for the work done. To me, to transfer the control of the port from the Harbour and Light Department to this sort of control is very unwelcome and unnecessary. There has not been any open conflict between the department and the companies concerned who will, when the Bill passes, become the authorities controlling the port. Of course, stringent regulations and safety demands are made by the Harbour and Light Department, no matter where the port may be, and it is only in regard to these that conflict has occurred between it and the companies when control has been exercised over Port Hedland.

Instead of retaining some sort of governmental control over the Harbour and Light Department—which is a most efficient one—this Bill, by its very provisions, will hand over completely the control of the port to the companies who are operating as major exporters of iron ore from that port. All their activities in the region are bound up in the use of the harbour area. The Minister when introducing the Bill—and members know it was introduced only when we resumed our proceedings this afternoon—made this comment in his first sentence, which reads as follows:—

> The provisions in this Bill for the formation of a port authority to control the works at Port Hedland are similar to those contained in the legislation under which the port authorities of Fremantle, Albany, Bunbury, Geraldton, and Esperance are constituted.

I do not know what meanings are given to the word "similar" in the dictionary, but the control of Port Hedland and the control of the other ports in this State are as far apart as the poles, as I will illustrate in detail when the Bill is dealt with in Committee. I am confronted—as the House is confronted—with the fact that this is a Bill to implement Government policy and the policy of decentralisation. In this connection it can be said that the Bill does nothing to implement that policy. As this is Government policy of such a rigid kind all I can do is to examine the Bill and to point out the defects as I see them. I can do nothing to alter it or make arrangements for the insertion of provisions different from those appearing in it.

I repeat that this Bill gives away rights, privileges, and control to company interests; and this principle differs widely from the principles that are contained in the legislation pertaining to the Ports of Bunbury, Geraldton, Esperance, and the rest. I repeat that they are as wide apart as the poles. It is, therefore, futile for me to do other than examine the particular clauses which are repugnant to me and which are so different from the provisions in other legislation on the Statute book; and I will do that in the Committee stage. In giving control and privileges to the port authority this Bill will put into effect provisions which are very different from what applies to any other port in the State. I will do nothing more than to record a vote by voice, because I am conscious of the fact that this is a head-on confrontation between what the Government wishes to implement and what I would do in the circumstances.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.2 p.m.]: I agree with Mr. Wise that the matters of conflict in this Bill are easier to discuss in the Committee stage. Of course, there is a difference of opinion. This is a Bill to establish a port authority, and obviously there are differences in form. I understand that these differences are reflected

in several clauses, and these will be discussed at length in Committee. I hope the Bill will pass the second reading stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Port Hedland Port Authority—

The Hon. F. J. S. WISE: This clause which provides for the constitution of the port authority is almost identical with the provisions which confer powers to the port authorities of Esperance, Geraldton, and others in the State. From this point onwards the provisions in this Bill and those in the Acts which are in operation under the plea of decentralisation are very wide apart.

Clause put and passed.

Clause 6: Membership of Port Authority—

The Hon. F. J. S. WISE: This clause makes provision for the appointment of five members. In particular, subclauses (3) and (4) make provision for the representation to be specific, in that the members are to be appointed by the Governor. Two members are to be nominated by the registered lessee or lessees of certain leases from the Crown under the Land Act. In other words, this is the clause under which these representatives are nominated, firstly, by the Goldsworthy mining company and, secondly, the Mount Newman mining company. They are the two principal exporters operating through this port. They are to provide two of the five members to govern the control and destiny of the operations of the port.

In the case of the Geraldton Port Authority, in only six lines the membership is set out—

(1) The Port Authority shall consist of five members.

(2) The members shall be appointed by the Governor.

(3) The Governor shall designate one of the members appointed by him to be the chairman.

That is the usual pattern for such appointments, where an authority is set up to control not only the management and the operations of a port, but also to safeguard the interests of those who use the port. While it can be contended that in the case of Port Hedland the two companies which have representatives on the board are responsible for, I suppose, 90 per cent. of the traffic through that port, they are nevertheless public companies which have a particular interest in their own entities, as well as an interest in the people or other instrumentalities which use the port.

Another provision in this clause deals with the appointment of the chairman. He is to be appointed by the Governor, but there is no specific reference as to whether the chairman shall be a servant of, or a person allied to, the two companies concerned; nor is there clarity on the point as to where the two remaining members will be drawn from.

I might be out of order in alluding to something which a Minister in another place said this evening in respect of this very point. I will test whether I am out of order. On a suggestion of one member I heard the Minister say that a nominee of a shire would be accepted as a member, and even a member of Parliament may be accepted. I hope that is to be the case, because I can assure the Committee that there is common acceptance in Port Hedland about who the chairman will be. If the person whose name has been mentioned to me is to be the one appointed I will not cavil at all with his ability and integrity. It does not necessarily follow that the representatives of the two companies will dominate this port authority. However, there is not a parallel in the State to this sort of appointment.

Members will see from the Bill that the port authority is to be vested with enormous powers—powers similar to those held by the Harbour and Light Department.

The Hon. E. C. House: Does not the Minister appoint the members of the port authorities in the other cases?

The Hon. F. J. S. WISE: Yes, but they are not representatives of company interests which dominate the traffic through those ports. In the case of Port Hedland it means the handing over of the control of the port to the two companies, and the Bill contains special provisions to emphasise this very point. It is a very serious matter that the policy of the Government is to hand over the control of the port to such an authority, and is to vest in it powers of such magnitude. Other differences appear in the clauses which are to follow, and they relate to the membership of this port authority as compared with the membership of other port authorities. I oppose strenuously the principle that is in the Bill to give to the port authority in Port Hedland complete control of the operation of the harbour to suit the two companies.

The Hon. G. C. MacKINNON: I agree with virtually all that Mr. Wise has said. The differences would be the conclusions, and they are the conclusions at which I would arrive. I did specifically mention there were three notable exceptions in the way this Bill differs from similar legislation establishing port authorities. It is

Government policy to establish port authorities and, as I mentioned when I introduced the second reading, two port authorities were established last year.

I believe this is a method of decentralisation. It is the break-up of responsibility and the passing of responsibility to a local group, whatever that group might be. The officers of the Harbour and Light Department are very efficient; I know this from their association with the Department of Fisheries and Fauna. However, efficient though they are, of course, they are still employees of a central authority whereas the men who will run this port authority are not.

The Hon. F. J. S. Wise: They are so.

The Hon. G. C. MacKINNON: Not employees of a central authority.

The Hon. F. J. S. Wise: Where are the headquarters of the companies?

The Hon. G. C. MacKINNON: They are not employed by the Harbour and Light Department, or some other Government department. Again I would agree with Mr. Wise that everybody would have preferred a different situation. It would have been so much easier had the State Government been able to put its hands on sufficient money to develop the Port of Port Hedland without having to call on the particular companies involved. As I have already said, the companies have spent a considerable sum of money in developing the port, and this makes the very nature of the Port of Port Hedland quite different from the Port of Esperance or the Port of Geraldton. Those ports, of course, have been constructed out of loan funds and the like, and not with money provided by companies under agreements. In fact, the companies have spent large sums of money, under agreements, and no doubt it has been profitable for them to do so. Those companies are therefore entitled to some representation on the board, and that representation has been kept at the ratio of two to three.

I can assure Mr. Wise that when the three representatives are appointed the Minister will confer with the local authority, and any other group of standing, and request the names of men who can make up the port authority. The Minister said he would not favour a person representing a particular group, whatever the group may be, and with that I agree wholeheartedly. The three Government nominees should, in fact, be looking after the interests of the whole community as such, and should not be specifically local government nominees just looking after that particular interest.

The difference between the authority set up under the provisions of this Bill, and the authorities operating the other ports, is in the very nature of the development of the ports. The normal procedure in the development of a town in the southern part of the State involves the spending of Government money on the harbours, roads, schools, and so on. Private enterprise usually builds the shops.

That is not the situation with regard to Port Hedland. That, of course, changes the nature of the authority because it is reasonable under those circumstances that the companies involved should have the representation about which I have spoken. I therefore hope the Committee will accept this clause.

The Hon. E. C. HOUSE:: I am not an authority on harbours or ports in general, nor am I attempting to decry what Mr. Wise has said. However, I am vitally interested in this Bill because the Ports of Esperance and Albany are located in my electorate.

Those two ports work under Government port authorities. There seems to be very little difference between the set up which is envisaged at Port Hedland and what we have operating at Esperance and Albany, except that the present Bill sets out in black and white from where the members of the board will come. For the port authorities in the Ports of Albany and Esperance we have endeavoured to select men who had the greatest interest in the port trade. At Esperance we were successful in acquirng a person who was connected with the mining industry. The same applied at Albany in relation to wheat, fruit, and wool. We endeavoured to get the Minister to appoint men who were interested in those products because they would try to promote extra trade. This has proved to be the case.

The figures quoted for Port Hedland prove that the bulk of the trade must come from the mining industry. At Albany we have had an improvement in the wheat, fruit, and wool trade, and at Esperance there has been an improvement in the handling of salt, nickel, and wheat. It is not laid down in the legislation that the members of the board must be connected with industries, but that is virtually what takes place. We have endeavoured to encourage the Minister to select and appoint those particular men.

It will always be necessary to spend more money on ports as larger ships have to be handled. I think the mining companies will be encouraged to spend more money by having a direct interest in the operation of the port.

The Hon. F. J. S. WISE: The honourable member misses, rather deliberately or certainly effectively, the essential point in my objection to the construction of the authority. The Minister, in his comments, suggested that those living in the north might not understand how harbours operate.

The Hon. G. C. MacKINNON: I do not think I even implied such a suggestion; I would not be so insulting.

The Hon. F. J. S. WISE: The Minister certainly gave me that impression. The important point is that in a district such as Esperance, with five representatives on the port authority, there would not be a domination by those who have more than a 90 per cent. interest in the value of the exportable produce. Perhaps there might be a proprietary interest, but that interest would represent, perhaps, only 40 per cent. In the case of Port Hedland where there is company ownership, in its true sense, of the commodity handled, there is to be representation of the interested companies. That is the difference. The wealth leaving Port Hedland will belong to the companies who have direct representation on the port authority. The companies will have domination of the port control, as well as the ability to look after their own interests. That is provided for in the Bill, and that is what we object to.

There has been mention of the money spent by the companies under their agreements. What a lucrative investment that has been for the companies. This House debated those agreements, and I have the five of them here with me. The agreements place the responsibility on the company to carry out the work as capital expenditure, and that saved the State an enormous sum of money. Fortuitous though it was for the State it was also of great importance to the companies to have the facilities operating as they do at the moment.

The Hon. G. C. MacKINNON: I do not disagree, virtually, with anything Mr. Wise has said, but I come to a different conclusion. As Mr. House said, at Esperance there is no group which dominates the authority. However, at Port Hedland the companies concerned have not only had to spend money to become established, but they will have to spend more money in the future. It seems to me that if those people have spent all that money it is reasonable that they should have some representation on the authority. In fact, they have a minority representation of two out of five.

The Hon. F. J. S. WISE: It will not be a minority representation, it will be domination within the authority by the companies concerned. However, this is worse than kicking into the breeze, and I could draw other analogies. However, I would only be wasting the time of the Committee in pursuing it, but I do object to it.

Clause put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Disclosure of interests in contracts—

The Hon. F. J. S. WISE: This is a most interesting clause, which is entirely dissimilar to those in the Statutes in relation to other port authorities in this State. Not only port authorities, but local governing bodies under the Local Government Act, electricity undertakings under the Electricity Act, and many other instrumentalities have implicit in their Statutes the prevention of those associated with the operations of those entities from holding or performing contracts with the authority. Persons interested in such contracts must resign their positions.

Clause 10 of the Bill reads—

> (1) A member who is directly or indirectly interested in a contract (not being a contract to which the registered lessee or the registered lessees, who nominated him for appointment as member, is or are a party or parties) made or proposed to be made by the Port Authority, otherwise than as a member, and in common with other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Port Authority.
>
> (2) A disclosure under subsection (1) of this section shall be recorded in the records of the Port Authority.

The clause ends there. Let us have a look at the Geraldton Port Authority Act. Subsection (1) of section 11 of that Act is almost identical with subclause (1) of clause 10 of this Bill. The member shall disclose the nature of his interest at a meeting of the port authority and the disclosure shall be recorded. Subsection (3) in the other port authority Acts reads—

> A member who has made a disclosure under subsection (1) of this section, shall not take part in the consideration or discussion, and shall not vote, in respect of any matter relating to the contract in respect of which the disclosure was made, at a meeting of the Port Authority.

That is not so in the case of the proposed Port Hedland port authority. There is no redress whatever against the member as far as the authority is concerned. He may have direct contractual obligations but apart from disclosing them to the authority there is no redress.

That is an aspect which has been considered in this State to be of such paramount importance that all Governments have inserted it in legislation under which authorities have control of a Government or semi-Government instrumentality. It applies even to presidents and members of shire councils, who cannot enter into any sort of contract, not even for the loan of a bulldozer, without the consent of a Minister.

There is an absolute, direct, and deliberate excision of that principle in this Bill, no matter what the arrangement may be—the chartering of a pilot ship, and contracts of all kinds.

Already, this port is about the fourth port in Australia for tonnage. That is a remarkable achievement, I may say, and I think the Minister for Mines would agree. The change in tonnages leaving this port now, as compared with five or six years ago, is a fantastic happening.

The Hon. A. F. Griffith: There is no doubt about that.

The Hon. F. J. S. WISE: Those who manage this port are to be able to operate, absolutely without let or hindrance, although having a personal interest in the operations and control of the port authority.

I am therefore again in the position of kicking against the wind. I can only draw attention to it; I can do nothing about it. I cannot alter or defer, but I point out very strongly that that is the position, and no argument can convince me that it is desirable.

The Hon. G. C. MacKINNON: Again I cannot cavil at the description given by Mr. Wise. We are referring here to three members, in effect, because the clause says "not being a contract to which the registered lessee or the registered lessees, who nominated him for appointment as member, is or are a party or parties." So, in regard to particular contracts, this provision is an exclusion. This, of course, is also a result of the peculiar nature of the development of the port.

If these members are unable to vote or speak on a matter, we are at the stage where we have at least an equality of votes with the two nominees of the Mount Goldsworthy and Mount Newman companies, plus the fact that some 90 per cent. of the product and the work will have an association with the contracts in which these two representatives are interested. Whether they are on the authority or not, matters have to be discussed with these people because they have such an interest in the port from the point of view of both capital works and throughput.

My understanding of this provision is that it is taken from the English Act, from which the old road board Acts were copied. Historically it was used as a method of preventing sharp practices in the days when people could not read or write. I have heard learned lawyers argue that this provision is no longer necessary.

The Hon. E. C. House: They are just as bad when they can read and write.

The Hon. G. C. MacKINNON: Not at all, but the matter is subjected to much more publicity when the mass of the people can read and write.

The disclosure is entered in the minutes. People can ascertain what the particular interest is, and these things are known through the newspapers and all the rest of it. Some years ago when this came up I pointed out that it had not been successful in a number of cases. I believe in a number of organisations it has perhaps outlived its usefulness. This is by the way and does not really matter.

In the case before us the necessity stems from exactly the same thing—the peculiar and different nature of these ports from the ports we are comparing them with. In principle the similarities are marked but, of course, so are the differences. I can see no open invitation to sharp practices in this. Apart from anything else, the care with which people are selected for these positions and the calibre of the people who fill them are a safeguard. I therefore hope the Committee will agree with the clause as printed.

The Hon. F. J. S. WISE: Of course, there is no suggestion of an invitation to sharp practices. Throughout the whole history of this State this clause has been considered to be very important, so that no-one wittingly or unwittingly breaks the law in regard to a contractual undertaking with the authority which he serves. I simply draw attention to the fact that its omission is undesirable, in my view, when one considers the enormously wide powers which are to be vested in this port authority.

Clause put and passed.

Clauses 11 to 18 put and passed.

Clause 19: Property vested in Port Authority—

The Hon. F. J. S. WISE: If members are following this Bill through they will note that in this clause and in two succeeding clauses of the Bill enormous powers and duties are vested in the port authority. Not only has it control of land within the Crown boundaries of the port, but its control includes the bed and the shores of the port; it also includes harbour lights, signals, buoys and beacons, wharves, docks, landing stages, and all improvements associated with agreements passed by this Parliament. In addition to these assets the port authority will control the entire functioning of the harbour itself.

It does have a vested interest. The authority will control all the land, including the land of the Crown adjoining the harbour and in the harbour itself, most of which will be the subject of lease to the people whose representatives will be on the board. There will be two of them, with a quorum of three, to determine all manner of things in connection with the use of private and public property as well as Crown property. The authority is vested with enormous powers affecting the Crown. If it could not have been left to the Harbour and Light Department to give the effective service it does, I would have preferred, in an authority of this kind, to have seen a Government representative on

the authority, particularly when we consider the vast future the authority will have in a short time, because the tonnage shipped through that port will be far in excess of that which leaves the Port of Fremantle.

Clause put and passed.

Clauses 20 and 21 put and passed.

Clause 22: Control of Port and maintenance of property by Port Authority—

The Hon. F. J. S. WISE: The wording of this clause is very close to that in sections of existing Acts. The clauses in division 4 of this Bill will give enormous powers to members in their duties in the port authority. They may do anything of a nature and kind akin to what many Government departments have been doing in harbours and ports without legislation of this kind—and I refer to such departments as the Harbour and Light Department, the Public Works Department, and the Water Supply, Sewerage and Drainage Department which carry out work associated with heavy Government spending in a harbour or port.

Not only will the authority be using money for which the State at the Loan Council meeting must undertake a guarantee, but it will in truth be absolving companies from many vast sums for which they would otherwise be responsible. This brings me back to the first point of contention I raised in connection with this Bill which is that there will be two representatives—a quorum being three—who will control expenditure and do all manner of things associated with the use of this port authority.

The Hon. G. C. MacKINNON: I do not cavil at the explanation given by Mr. Wise.

The Hon. F. J. S. Wise: The difference is that I oppose the Bill and you support it.

The Hon. G. C. MacKINNON: It is a matter of conclusions drawn. This a real exercise in decentralisation.

The Hon. F. J. S. Wise: Rubbish!

The Hon. G. C. MacKINNON: In actual fact the quorum of three which will control the destinies of this port could include no representatives of the lessees.

The Hon. F. J. S. WISE: The Minister might be naive but I do not think he is as foolish as that.

The Hon. G. C. MacKinnon: I said it could be.

The Hon. F. J. S. WISE: The Minister must think we are simple people as well as being simple-minded.

The Hon. G. C. MacKinnon: You are not denying that it could be so?

The Hon. F. J. S. WISE: I am saying it will not happen.

The Hon. V. J. Ferry: Just a matter of being clairvoyant.

The Hon. F. J. S. WISE: Yes, as clairvoyant as the honourable member.

The Hon. G. C. MacKinnon: The possibility still remains.

The Hon. F. J. S. WISE: There is as much possibility as I have of winning the next Golden Casket.

The Hon. G. C. MacKinnon: There is a possibility if you have a ticket.

The Hon. W. F. Willesee: It would be funny if you did win it.

The Hon. F. J. S. WISE: This is a serious matter. This port authority is charged with even greater authority than the Esperance or Geraldton Port Authorities. It can do things with regard to pilots and the engagement of pilots and it can waive the necessity for a pilot's license. Accordingly, I say that the use of the word "similar" in connection with this and other Bills is wholly inappropriate. I am merely drawing attention to the things that will happen. The companies which will be acting on behalf of their principal shareholders will have the greatest opportunity to avoid very heavy charges which could otherwise be imposed upon them validly, and the companies in their turn will in their view validly pass this burden on by way of all sorts of fees. I do not like the provision at all. There is no doubt that the Bill will proceed and if I try to divide the Committee I would be like the beacon at the head of Port Hedland Harbour; though quite alone I would not be overwhelmed.

If Mr. House would like to carry out a small exercise over the weekend in regard to the regulation-making powers, I suggest he obtain a copy of the legislation in connection with the Esperance Port Authority and compare its regulation-making powers with those contained in this Bill.

Clause put and passed.

Clauses 23 to 81 put and passed.

Clause 82: Power of Port Authority to make regulations—

The Hon. F. J. S. WISE: I would like the Minister to advise me whether item (12) on page 39 exempts the State Shipping Service.

The Hon. G. C. MacKINNON: I have not checked up on this, but from my reading of it, I would say it does not.

The Hon. F. J. S. WISE: In order to make the situation quite clear, I move an amendment—

> Page 39, line 21—Insert after the word "Majesty" the words "including the State Shipping Service".

The Hon. G. C. MacKINNON: I do not imagine it would be desirable to exempt the State Shipping Service in this way.

All these matters would have been given very careful consideration, and who knows to what size the State Shipping Service might grow? In my opinion, this service should compete and should not be granted exemption. If Mr. Wise is insistent about this, I could seek leave to report progress for a short time in order to confer, but I believe the answer would be the same; that is, that the State Shipping Service should remain in much the same category as any other shipping service.

The Hon. F. J. S. WISE: I think it desirable at some stage to call a halt and examine the scope of the powers vested in this authority. I will ease the mind of the Minister by saying that I do not intend to press my amendment. I wish to draw attention to the necessity for a great watchfulness in connection with regulations which will be presented for approval. Once my amendment is defeated, I desire to draw attention to several other great authorities and powers vested in this port authority to the very great interest of the companies concerned.

The Hon G. C. MacKINNON: I would point out that the authority can make regulations only with the approval of the Governor and, as is usual, the Minister will examine any regulations. However, I will draw the attention of the Minister to Mr. Wise's warning.

Amendment put and negatived.

The Hon. F. J. S. WISE: If members look at page 41 of the Bill they will see how the fees and dues which are to be levied affect substantially and materially the income and payments from such income of the companies involved in this port authority. I refer particularly to items (27) to (31). One provision, of course, could mean that vessels of 80,000 tons could be exempted if the masters were given a temporary pilot certificate. All these things could happen. However, it is only beating the air to try to draw attention to anything which gives to this entity the terrific authority to which I have referred.

Clause put and passed.

Clause 83 put and passed.

First and second schedules put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.9 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 12th May, at 11 a.m.

Question put and passed.

House adjourned at 9.10 p.m.

Legislative Assembly

Thursday, the 7th May, 1970

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

LIQUOR BILL

Questions: Statement by Speaker

THE SPEAKER: On Wednesday, the 29th April, 1970, the member for Mirrabooka raised a point of order and sought my guidance and ruling in regard to certain questions placed on that day's notice paper by the member for Mt. Hawthorn.

He cited in support of his point a comment appearing in May's *Parliamentary Practice*, 17th edition, at page 353, and agreed that the particular reference was that contained in paragraph (9) on that particular page.

I informed the member for Mirrabooka that I had not given any particular thought to that reference from "May" but promised to give it further consideration and at a later date announce my decision.

I have now had the opportunity of considering the particular sentence in "May" and would observe that it lays down that questions are inadmissible in two separate circumstances, namely:—

(1) If they anticipate discussion upon an Order of the Day, or

(2) They ask a Minister about a motion upon the paper that under Standing Orders that motion must be decided without debate.

The second of those cases is in no way relevant to the present issue and consequently I express no opinion thereon.

In regard to the first question, at first glance it would appear that a ruling had been given in line with the contention made by the member for Mirrabooka. Reference to "May," however, discloses that there is only one authority for his proposition and that it is to be found in *Hansards Parliamentary Debates* of the House of Commons (3rd series) volume 228, column 1557.