

price of wheat sold for other than human consumption be reduced from \$1.71 per bushel to a level not below the price corresponding to the guaranteed free on board price of \$1.45. The guaranteed price of \$1.45 per bushel free on board corresponds with a price of \$1.413 free on rail at ports.

The Australian Wheat Board, being aware of the likelihood of across-border sales in over-quota wheat, considered that a reduction in the home consumption price of wheat, for uses other than for human consumption, to be a step towards preventing across-border sales, which, if they did occur, would present a threat to the orderly marketing of wheat within Australia.

This Bill permits the minimum price of feed wheat to be varied to allow for quality differences.

Where the board sells wheat intended for the manufacture of food for human consumption, and the manufacturing process results in by-products not used for human consumption, the board may grant a rebate to the purchaser with respect to the amount of wheat equal in weight to the weight of by-products other than for human consumption. Under this provision, a flour miller will pay \$1.71 per bushel for the proportion of wheat which is converted to flour but only \$1.413 per bushel for the proportion which is processed to stock feed and the like or into industrial products.

I propose now to place before members figures indicating the situation which has arisen as a result of recent large harvests and the subsequent slowing down of sales—

Year	Pro- duction	Local Con- sumption (a)	Exports (b)	Stocks (c)
	(m. bus.)	(m. bus.)	(m. bus.)	(m. bus.)
1965-66	260	92	208	16
1966-67	467	89	256	80
1967-68	277	100	256	52
1968-69	538	100	198	260
		(Est.)		(Est.)
1969-70	436		200	
	(Est.)		(Est.)	

(a) All uses. Year ended 30th November of second year referred to.

(b) Includes the grain equivalent of plain white flour.

(c) As at 30th November of second year referred to.

Assuming that the estimated Australian wheat yield this season and estimated export sales prove to be accurate, there is likely to be more than 400,000,000 bushels of unsold wheat in storage when the 1970-71 crop is ready for harvest.

It is submitted, therefore, that this two-price system now proposed will enable the requisite control to be exercised over both prices and movement of wheat used for stock feed purposes and by this order in the industry may be better maintained. I commend the Bill to members.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [6.14 p.m.]: I move—

That the House at its rising adjourn until 3 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Assembly

Tuesday, the 4th November, 1969

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

BILLS (4): INTRODUCTION AND FIRST READING

1. Taxation (Staff Arrangements) Bill.

2. Stamp Act Amendment Bill.

Bills introduced, on motions by Sir David Brand (Treasurer), and read a first time.

3. Marketing of Eggs Act Amendment Bill.

4. Wheat Delivery Quotas Bill.

Bills introduced, on motions by Mr. Nalder (Minister for Agriculture), and read a first time.

QUESTIONS (18): ON NOTICE

1.

HEALTH

Psychiatrists

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

(1) Is there a shortage of qualified psychiatrists in Government employment?

(2) If so, by what number do they fall short of the approved establishment?

(3) Can any shortage be attributed to the lower salaries paid in this State as compared with salaries paid in other States?

(4) Have there been protracted negotiations with the Public Service Commissioner on the question of salaries?

(5) When is a decision likely to be reached?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) 10.

(3) Salaries would have been one of the factors involved.

(4) No. Existing salaries for psychiatrists were fixed by agreement between the Public Service Commissioner and the Civil Service Association dated the 8th October,

1968. Since that date there has been no approach from the association related specifically to psychiatrists, but they were included in a general request submitted by the association on the 5th September, 1969, for increases to all officers in the professional division.

- (5) A decision has been made and increases will be effective from the 17th October, 1969.

2. MENTAL HEALTH SERVICES

Annual Reports

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

When is it expected the annual reports of the Mental Health Services for the years ended the 30th June, 1968, and 1969, will be tabled?

Mr. ROSS HUTCHINSON replied:

These reports are available, but have been deferred pending receipt of statistical information. They will, however, be submitted for printing—with or without the statistical information—before the middle of November. They will be tabled as soon as they are printed.

3. STAMP DUTY

Wages and Salaries

Mr. JAMIESON asked the Premier:

- (1) Is it the intention of the Government to bring down legislation this session to remove the stamp duty on wages and salaries?
- (2) If not, will not this impost be detrimental to this State's case when new financial arrangements are being negotiated with the Commonwealth next year?

Sir DAVID BRAND replied:

- (1) and (2) Not at this stage, but action will be taken at an appropriate time to bring down such legislation if continuance of the duty would be to the disadvantage of the State under the new financial arrangements.

4. RIVERSIDE DRIVE

Widening

Mr. JAMIESON asked the Minister for Works:

- (1) What work will be involved in widening Riverside Drive between the Causeway and Barrack Street?
- (2) What trees or palms are likely to be removed for these works?
- (3) Is the row of coral trees on the edge of Langley Park to remain; if not, why not?

Mr. ROSS HUTCHINSON replied:

- (1) The existing pavement of Riverside Drive will be widened by an average width of 14 feet to provide four 11-ft. traffic lanes between Barrack Street and Plain Street.
- (2) Trees to be removed are three coral trees, three palms, two small Norfolk Island pines, and one Moreton Bay fig.
- (3) Yes.

5.

ELECTORAL

Legislative Assembly Districts

Mr. JAMIESON asked the Minister representing the Minister for Justice:

What were the respective total enrolments of each of the 51 Legislative Assembly districts as at the 30th September, 1969?

Mr. O'CONNOR replied:

The undermentioned are the enrolment figures for each of the Legislative Assembly districts as at the 30th September, 1969.

Ascot	12,750
Balcatta	16,108
Belmont	13,013
Canning	17,111
Clontarf	12,875
Cockburn	16,366
Cottesloe	13,036
East Melville	14,514
Floreat	12,391
Fremantle	11,619
Karrinyup	13,355
Maylands	11,847
Melville	12,621
Mirrabooka	16,406
Mount Hawthorn	12,597
Mount Lawley	13,009
Nedlands	12,448
Perth	11,451
South Perth	12,026
Subiaco	12,506
Swan	12,977
Victoria Park	12,006
Wembley	14,065
Albany	6,004
Avon	5,879
Blackwood	5,707
Boulder-Dundas	6,047
Bunbury	6,725
Collie	5,599
Dale	9,406
Darling Range	8,620
Geraldton	6,783
Greenough	6,766
Kalgoorlie	5,927
Katanning	5,847
Merredin-Yilgarn	6,594
Moore	6,867
Mount Marshall	6,280
Murray	7,382
Narrogin	6,088
Northam	6,074
Roe	7,709
Stirling	6,527

Toodyay	6,437
Vasse	6,102
Warren	6,246
Wellington	6,163
Gascoyne	2,856
Kimberley	2,889
Murchison-Eyre	1,855
Pilbara	3,335

6. SWAN RIVER CONSERVATION BOARD

Yacht Club Site

Mr. DAVIES asked the Minister for Works:

As the map included in the Metropolitan Region Planning Authority report tabled in 1968 suggests a yacht club site at a point midway between Pt. Walter and Pt. Waylen—

- (1) Has this site been considered and/or recommended by the Swan River conservation authority?
- (2) Will he consider offering to develop as a yacht club site the area suggested?

Mr. ROSS HUTCHINSON replied:

- (1) At its meeting on Thursday, the 19th September, 1968, the Swan River Conservation Board considered in detail the Metropolitan Region Planning Authority plan for the Swan and Canning rivers. The site proposed in the M.R.P.A. plan between Pt. Walter and Pt. Waylen was not considered suitable for a yacht club for two major reasons—
 - (a) clay at shallow depths exists in this area for a distance of 850 feet from the foreshore; and
 - (b) the site is exposed to north-westerly (winter) and easterly to north-easterly (summer) winds. Development of a suitable site for a yacht club in this location would therefore be very costly.
- (2) Any suggestions would, of course, be considered but the area suggested is unlikely because of the reasons given.

7. EDUCATION

Schools in Cockburn Electorate

Mr. TAYLOR asked the Minister for Education:

- (1) Further to his answer of the 3rd April, will any additional room construction take place before the commencement of the 1970 school year at any of the undermentioned schools—
Orella School;

South Coogee School;
South Coolbellup School;
Spearwood School?

- (2) If "Yes", what additions are planned?

Mr. LEWIS replied:

- (1) Yes.
- (2) Orella—Nil.
South Coogee—1 classroom plus toilets.
Koorilla (South Coolbellup)—1 demountable classroom.
Spearwood—4 classrooms.

8. INSPECTORS OF MINES

Kwinana Area

Mr. TAYLOR asked the Minister representing the Minister for Mines:

On how many occasions in the six months since the 1st April, 1969, have inspectors of mines visited the Kwinana area to make routine checks on matters of work safety?

Mr. BOVELL replied:

Inspectors of mines have visited the Kwinana area and made routine inspections on matters of work safety on seven occasions in the six months since the 1st April, 1969.

9. FACTORIES INSPECTORS

Kwinana Area

Mr. TAYLOR asked the Minister for Labour:

On how many occasions in the six months since the 26th March, 1969, has a factories inspector visited the Kwinana area to carry out inspections?

Mr. O'NEIL replied:

During the period mentioned there have been five occasions where a factories inspector has visited the Kwinana area for the purpose of carrying out inspections. There have been 120 inspection visits made by inspectors of machinery in the same period.

As well as the above the Kwinana area forms part of a district in which a scaffolding inspector operates on four days each week.

10. AIR POLLUTION CONTROL COUNCIL

Kwinana Area

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

On how many occasions in the six months since the 26th March, 1969, have officers of the committee set up under the Clean Air

Act investigated emissions of fumes, dust, and/or gas from industry in the Kwinana area?

Mr. ROSS HUTCHINSON replied:
21.

11. HEALTH

Nathaniel Harper Home

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

- (1) Is any proposal being considered for resuming or purchasing additional land to extend the activities of the Nathaniel Harper Home, Market Street, Guildford?
- (2) Is the department aware that a residence and land can be made available to consolidate the retarded children's home and allow use of property in Bassendean for other medical or health purposes?

Mr. ROSS HUTCHINSON replied:

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

12. TRAFFIC BRIDGE

East Guildford Station

Mr. BRADY asked the Minister for Works:

Is any proposal being considered for a traffic bridge over the East Guildford station?

Mr. ROSS HUTCHINSON replied:

Investigations are being carried out by the Main Roads Department for the provision of a bridge over the railway at Guildford to replace the East Street level crossing.

13. PEDESTRIAN BRIDGE

West Midland

Mr. BRADY asked the Minister for Works:

Is any action being taken to proceed with a pedestrian bridge at West Midland for the benefit of school children and patrons to West Midland station?

Mr. ROSS HUTCHINSON replied:

Preliminary plans have been prepared by the Main Roads Department for a pedestrian overbridge over Great Eastern Highway at West Midland. Negotiations will be entered into with the Town of Midland with a view to its construction.

14. POLICE STATION

Midland

Mr. BRADY asked the Minister for Police:

- (1) Is the police station at Midland at present manned for 24 hours a day?

(2) If "No", will he have action taken to ensure a 24-hour coverage in view of the proposed closure of the Guildford Police Station?

(3) Are any women police attached to Midland Police Station?

(4) If "No", will action be taken to appoint women police to this area?

Mr. CRAIG replied:

- (1) No.
- (2) Yes, this is proposed.
- (3) No.
- (4) This is currently under consideration.

15. INDUSTRIAL FUMES

Kwinana

Mr. TAYLOR asked the Minister representing the Minister for Mines:

Further to my questions of the 2nd October, 1968, and the 1st April, 1969—

(1) On how many occasions in the six months since the 1st April, 1969, have either construction workers and/or company employees at the Australian Iron and Steel plant at Kwinana been ordered to stop work because of the suspected presence of gas emissions?

(2) During the same period and at the same plant, how many construction workers and/or employees have been treated for the suspected effects of gas?

Mr. BOVELL replied:

(1) 116; of these most occurred in April and May. Since the beginning of June there have been very few instances of suspected gas contamination due to the installation of the gas bleeder burner.

(2) April, 12; May, 6; June, Nil. Since the gas bleeder burner was installed in June there has been only one case of suspected effects of gas, and that occurred in July.

16. OUTDOOR SIGNS

Mr. P. Brown: *Academic Qualifications*

Mr. DAVIES asked the Minister for Railways:

What academic qualifications in the field of advertising are held by Mr. P. E. Brown who reported on outdoor signs in Western Australia?

Mr. O'CONNOR replied:

Mr. P. E. Brown has no academic qualifications in the field of advertising.

He was, prior to his appointment to undertake the survey on outdoor advertising in Western Australia, the principal of a United Kingdom based company concerned with the planning and control of outdoor advertising.

17. **EDUCATION**

Braille Textbooks

Mr. DAVIES asked the Minister for Education:

- (1) Has there been any delay during the current year in supply of braille textbooks for high school students?
- (2) If so—
 - (a) what is the extent and cause of the delay;
 - (b) what is the present position;
 - (c) what action is being taken to overcome any delays or difficulties in supply?

Mr. LEWIS replied:

- (1) Yes.
- (2) (a) Most books were supplied by late March. A few books are still not completed. A shortage of braille transcribers has contributed to this delay. Braille transcription is slow and laborious and carried out by volunteers. Children sometimes do not send in requests for books until later in the year.
- (b) Most requests for books have now been met.
- (c) More volunteer transcribers are being sought and the use of alternative methods of reproduction such as the duplicator are being investigated.

18. **LAND**

Forests: Release for Agriculture

Mr. GAYFER asked the Minister for Forests:

As some two years have elapsed since certain lands were to have been cut over by the Forests Department and released for agricultural purposes, under the terms of the Crown Land Tribunal report of 1962—

- (1) Has the cutting over of these lands been completed?
- (2) If not, what amount of saleable or useable timber remains and where?
- (3) When is it anticipated these areas will be cut over?
- (4) Of the areas already cut over, what advice has been given to the Lands Department that

these areas have been cut over and when was that advice given?

- (5) What acreage is in the areas cut over and no longer required for cutting purposes by the Forests Department?
- (6) Who does the cutting on these lands and where does the timber go?
- (7) How much timber has been cut off these areas in each of the last five years to the 30th June, 1969?
- (8) Is the timber cut on a face on lands no longer required for any purposes other than agriculture?
- (9) If not, why not?
- (10) Why is there a delay by the Forests Department in cutting over these areas recommended for release by the Crown Land Tribunal of 1962 and subsequently alienated for five years by the Forests Department?
- (11) If there is no delay in the cutting over of these lands for release for agricultural purposes under the Crown Land Tribunal of 1962, why is it that these lands were not released for that purpose in 1967?

Mr. BOVELL replied:

It is assumed that the honourable member is referring to areas covered by the Fourth Interim Report of the Crown Land Tribunal to which the following answers refer:—

- (1) Cutting of marketable timber has been completed.
- (2) and (3) Standing timber for settlers' requirements.
- (4) 2,215 acres—Lands Department was advised on the 22nd November, 1963, that cutting would be completed by December, 1963. Since alienated.
8,900 acres—Lands Department was advised on the 1st February, 1968, that there was no objection to alienation of this area subject to reservation of timber to the Crown. 275 acres alienated.
14,800 acres—Lands Department was advised on the 16th March, 1967, that timber had been removed.
10,200 acres—Lands Department was advised on the 11th August, 1966, that cutting had been completed.

375 acres—Lands Department was advised on the 23rd February, 1965, that marketable timber had been removed. Since alienated.

7,000 acres approximately—Lands Department advised that Forests Department agreed to release at the 6th December, 1962, but not yet advised of completion of cutting. Since alienated.

1,587 acres—Lands Department was advised on the 23rd January, 1966, and the 14th March, 1966, that all marketable timber had been removed. Since alienated.

- (5) The total acreage of areas no longer required for cutting by the Forests Department is 45,350 acres approximately as in (4).
- (6) Cutting upon these lands was carried out by a number of sawmillers and log carters supplying mills in the metropolitan area together with two local sawmillers.
- (7) Information not ascertainable.
- (8) Yes.
- (9) Answered by (8).
- (10) There has been no delay in cutting over these areas except for item 7 where cutting of tannin extracts material was deferred pending final decision that this operation was uneconomic in view of the hauling distance involved.
- (11) There was a necessity for the Lands Department to refer to other departments, particularly the Mines Department. Those areas not set apart as temporary reserves under the Mining Act are being considered for release under the Land Act. It is necessary to evolve a procedure which will take into account economic size of existing farms in this area, bearing in mind the present restrictions on the release of Crown land which would be used wholly or partly for growing wheat.

- (2) Has the identity of the alleged complainants been established?
- (3) Is it a fact that the hospital is open for inspection at any time?
- (4) If the answer to (3) is "Yes", what is the procedure to inspect the hospital?

Mr. ROSS HUTCHINSON replied:

I wish to thank the member for Floreat for giving me notice of this question. The answers are as follows:—

- (1) Yes. Just prior to the sitting of Parliament they were handed to the Minister by The Hon. H. E. Graham, M.L.A.
- (2) Yes. The names listed on the papers handed to the Minister this afternoon were those of—

Peter M. Campbell, who was employed at Claremont Hospital from the 21st July to 29th August as a ward assistant, and John H. Bell, who was employed from the 5th June, 1969, to the 10th July, 1969, also as a ward assistant.

- (3) The hospital is always open for inspection by arrangement with the Psychiatrist Superintendent, Dr. H. J. Blackmore. This practice has been followed for at least the last five years. Numerous groups are shown around annually.
- (4) The procedure for any interested person is to phone, or write to, Dr. Blackmore and arrangements will be made forthwith. This applies to all institutions under the control of the Mental Health Services. It is the proud boast of the staff at Claremont that this hospital is available for inspection at any time. Dr. Blackmore conducts parties weekly. Individual wards are not notified of the visit. Wards are selected for inspection at random.

2.

WHEAT

Quotas

Mr. SEWELL asked the Minister for Agriculture:

- (1) When can growers expect payment for non-quota wheat that has been taken into storage by Co-operative Bulk Handling?
- (2) What is the position of a farmer who has been issued with a quota for his own property and is also

QUESTIONS (7): WITHOUT NOTICE

1. CLAREMONT HOSPITAL

Complaints

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

- (1) Has the Minister for Health received official and documented complaints with regard to patient treatment at Claremont Hospital?

share farming on new land property that does not receive a quota?

- (3) Is it a fact that some farm properties have been given a quota that is in excess of the previous known records of wheat grown on that property?
- (4) In the case of farmers who are dissatisfied with their wheat quotas and who can prove special cases of hardship, do they have any right of appeal to any Government approved committee or department?

Mr. NALDER replied:

I wish to thank the member for Geraldton for giving prior notice of this question. The answers are as follows:—

- (1) When it is accepted as quota wheat.
- (2) At present wheat grown by share farming on a new land property that does not receive a quota is regarded as non-quota wheat.
- (3) Yes, where special circumstances prevail.
- (4) They can appeal to the Wheat Quota Committee.

3. OUTDOOR SIGNS

Report by Mr. P. Brown

Mr. BERTRAM asked the Minister for Railways:

Relevant to Mr. Peter Brown's report on outdoor signs—

- (1) On what date did Mr. Brown arrive in Australia?
- (2) On what date was he retained to inquire into, and report on, outdoor signs?
- (3) On whose recommendation was he appointed?
- (4) Were his qualifications for the job thoroughly investigated, and, if so, by whom?
- (5) When did he leave Australia?
- (6) When was the report received?
- (7) Did he come to Australia as an assisted migrant under the State scheme or a similar scheme?

- (8) Which, if any, of the photographs contained in the report were taken after his departure from Australia?
- (9) Is he aware whether Mr. Brown has, or has ever had, any business connection with the London and Provincial Poster Group Ltd. and, if so, what?

- (10) Is it the intention of the Government to engage L. & P.P.G. Ltd. to control and/or arrange railway outdoor signs?

SPEAKER: Order! Has the member for Mt. Hawthorn given prior notice of this question to the Minister?

Mr. BERTRAM: Yes.

Mr. Ross Hutchinson: If not, why not?

Mr. O'CONNOR replied:

I thank the member for Mt. Hawthorn for giving prior notice of this question. The answers are as follows:—

- (1) The 23rd November, 1967.
- (2) The 11th March, 1968.
- (3) There was no recommendation as to his appointment. The matter was discussed by myself and the Minister for Industrial Development and a decision made to appoint Mr. Brown.
- (4) Mr. Brown's qualifications to undertake the survey were practical experience gained in the United Kingdom as the principal of a firm engaged in outdoor advertising.
- (5) As far as is known, the 13th March, 1969.
- (6) The 1st July, 1969.
- (7) Mr. Brown came to Western Australia as an assisted migrant under the State scheme.
- (8) Some photographs were taken in the United Kingdom after Mr. Brown had returned there. A perusal of the report should determine these.
- (9) Not to my knowledge.
- (10) As I have already stated, the Government has agreed with the proposal to take away from the Western Australian Government Railways control of outdoor advertising on railway land but no decision has yet been made on future management.

ANNUAL REPORTS

Tabling

Mr. DAVIES asked the Premier:

- (1) To avoid addressing this question to each Minister, could he ask his Ministers to be more expeditious in tabling reports?
- (2) Is he aware that it is difficult to obtain information when annual reports are sometimes two or more years old when they are

tabled and that, by that time, they are often only of historical interest?

Sir DAVID BRAND replied:

- (1) and (2) We have endeavoured to have these reports made available as early as possible. Some reports cover the calendar year, whilst others cover the financial year. The report from the University of Western Australia was tabled today. I can only say that every effort is being made to have them tabled as early as possible, and that there has been a marked improvement over the past two or three years.

Mr. Davies: I thought it was the reverse.

Sir DAVID BRAND: No, it is not. The honourable member will find that the further he checks back the greater was the delay in the tabling of reports in the House. I simply say that I would like to see reports tabled as soon as possible, but I am not in a position to ascertain the practical difficulties that cause the delay that is sometimes experienced.

5. RAILWAYS

Perth Station: Lowering

Mr. BURKE asked the Premier:

- (1) Did the Government receive the bimonthly interim reports, referred to in the letter of intent, from the W.A.D.C. between March and October?
- (2) When did the Government first become aware of the conditions referred to as the four main objections contained in the Press statement released on Friday last?
- (3) Has the W.A.D.C. any interest in the proposals at present being studied by the Government for the sinking of the railway?

Sir DAVID BRAND replied:

- (1) Yes.
- (2) Although discussions which included length of lease, office space, etc., were held with the company, these were not of a firm nature and the Government did not become aware of the four points being imposed as conditions until receipt of the W.A.D.C. final proposal.
- (3) No.

6. RAILWAYS

Suburban Service: Alternative Alignment

Mr. TONKIN asked the Minister for Railways:

At last Thursday's sitting I asked the Minister if he had had placed

before him any proposals for an alternative alignment of the railway for suburban services, and the Minister answered, "No." I subsequently asked him if he would reconsider the matter and advise me later whether he could confirm the answer then given or would change his answer to suit any altered circumstances. I now ask the Minister: Has he looked at the position and what is his answer to the question?

Mr. O'CONNOR replied:

When the Leader of the Opposition asked me if we had any further proposals, I was thinking of the firm proposals in connection with the rail sinking or the alignment of the railway through the centre of the city. Further, several people wrote to me and made suggestions on the rail sinking. I cannot recollect the name of one person who forwarded a map to me, with some details, suggesting that we have a line north of the city. Mr. E. Booth, the person to whom the Leader of the Opposition was referring, also sent a letter to me. I later discussed the matter with him, and during this discussion he produced a map. I then sent him to the Commissioner of Railways with whom he had further discussions. I think this is the one that is required by the Leader of the Opposition and I am quite happy to table the information I have on this matter so that he may peruse it.

The papers were tabled.

7. ROAD MAINTENANCE (CONTRIBUTION) ACT

Prosecutions

Mr. BURKE asked the Minister for Transport:

Regarding prosecutions for breaches of the Road Maintenance (Contribution) Act—

- (1) What was the total number of successful prosecutions in—
 - (a) 1966-67?
 - (b) 1967-68?
 - (c) 1968-69?
- (2) What was the total value of fines imposed in each year respectively?
- (3) Were all prosecutions handled by the one private legal firm?

Mr. O'CONNOR replied:

- (1) (a) 1st November, 1966, to 30th June, 1967—254.

- (b) 1st July, 1967, to 30th June, 1968—1,500.
- (c) 1st July, 1968, to 30th June, 1969—2,284.
- (2) (a) The information for this year is not readily available but will be extracted if the honourable member so desires.
- (b) \$40,435.
- (c) \$66,382.
- (3) Yes.

RESERVES BILL

Third Reading

MR. BOVELL (Vasse—Minister for Lands) [4.56 p.m.]: I move—

That the Bill be now read a third time.

Both the Deputy Leader of the Opposition and the member for Stirling raised the question of the term "commercial fishing station" in clauses 12 and 14. When it was referred to the Department of Fisheries and Fauna the comment was that the general purpose of excision from Class "A" reserves was for "fishing and associated storage of equipment with limited handling of fish."

It was not intended to be a processing area such as a factory, or the Babbage Island works. To this extent, "station" in relation to the term "commercial fishing station," has a limited meaning. The areas of the sites—half an acre, and six-tenths of an acre—would be insufficient for a processing station or factory.

The term "commercial fishing station" was recommended by the divisional surveyor and not by the Department of Fisheries and Fauna as I thought it had been during the second reading stage. I am informed that it has no special significance except that it is—

An area to store plant and equipment for fishing purposes and, if need be, the preliminary processing of fish, i.e., scaling, cleaning, drying, etc., before dispatch to the factory.

I hope this explanation is satisfactory to both members who raised the question.

Question put and passed.

Bill read a third time and transmitted to the Council.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

MR. SEWELL (Geraldton) [4.58 p.m.]: The Bill now before the House seeks to amend the Wheat Industry Stabilization Act of 1968. Under the parent Act only

one price is paid for wheat used in Australia for the manufacture of stock feed and for the production by millers of food for human consumption.

When this Bill becomes law, the price of wheat for stock feed may be fixed at a price lower than that for wheat that may be used for human consumption. Under the wheat stabilisation plan the guaranteed price for the season was fixed at \$1.45 per bushel for f.a.q. bulk wheat, free on board. This guaranteed price is for a maximum 200,000,000 bushels for export, adjustable in each year of the plan, according to the movement in costs.

The home consumption price for 1968-69 was set at \$1.71 per bushel for f.a.q. wheat in bulk. This price is to be adjusted annually by the same amount as the guaranteed price. The amendment in the Bill also provides that the minimum price of feed wheat can be varied to allow for differences in grain quality as a result of seasonal conditions. I do not think anybody could raise objection to that.

The amending Bill also makes provision for the position where the Wheat Board sells wheat that is intended for home consumption and the process results in by-products not used for human consumption, such as bran, pollard, and other products. In this case the board may grant a rebate to the purchasers—flourmillers, and so on—with respect to that amount of wheat equal in weight to the weight of products other than for human consumption.

The Minister claimed that the two-price system will bring about control over both prices and the movement of wheat used for stock feed, thus maintaining order in the industry. I would agree with the Minister on that point. The only thing is that it may not bring about as much control and order in the industry as we would like to see; because to my knowledge—except in the 1930s—no other industry has got itself into such a chaotic position as the wheat industry is in at the moment. Just who is to blame for this, I know not but, in the first instance, a certain amount of the blame must be laid at the door of the Federal Government.

I understand, too, that this Bill is the same as legislation being introduced in other parts of Australia and it is agreed that there must be uniformity in regard to a wheat stabilisation plan. The Minister also said that because of the lower price for stock feeds, including bran and pollard, farmers perhaps would branch out more into the breeding of pigs and poultry. In this regard he sounded a timely warning not to rush too quickly into these sidelines. He said that there may be other avenues that farmers could explore. I certainly hope farmers will be able to find some other types of production because I know that in the northern districts, as a result of the quota system that has been pushed onto the farmers, many producers will be badly

affected. It is a most objectionable system and it seems to have been put forward without any proper planning.

I think our own Department of Agriculture may have had this plan pushed onto it rather quickly, but there is no doubt that the Federal authorities, and the Eastern States people generally, should have recognised the signs earlier and done something about correcting the position. The ordinary farmers cannot be expected to know everything that is happening in the industry, and the Commonwealth authorities should have done something to control the price and the production of wheat long before they did. Had this been done it would have saved farmers a great many headaches. I support the measure.

MR. McPHARLIN (Mt. Marshall) [5.4 p.m.]: As the Minister said when introducing the measure, the Bill before us became necessary because of the excess quantity of wheat that is in storage in this country. Representatives from all States met to discuss the position and the Minister for Primary Industry asked them to endeavour to reach agreement so that the home consumption price for wheat used for other than human consumption purposes could be reduced.

The industry looked at the position from the point of view that the surplus was creating problems and it was felt that if the home consumption price could be reduced, more wheat would be sold on the home market. This, in turn, would ease the storage problems because there would be a desire on the part of those who wished to take advantage of this cheaper wheat to buy more of it. This is a departure from the normal method of selling wheat, or the method that has been used over many years in the past. A home consumption price has been fixed and the wheat has been sold at that price. However, I think those in the industry looked at the position fairly and squarely and they are to be commended for arriving at the decision they did in order to help reduce the carry-over that we have. The carry-over might continue for a considerable time but what is being done now will be one way of reducing it.

As the member for Geraldton said, where wheat is sold for the manufacture of products for human consumption and the process results in by-products which are not used for human consumption, the board may grant a rebate to the purchaser by selling to him at \$1.413 per bushel that proportion of the wheat which is converted to feed or industrial products. I think this is quite a good move.

Also, if the two-price system is agreed to it will exercise control over both prices and the movement of wheat used for stock feed purposes, thus maintaining order in the industry. I think in the latter part of his second reading speech the Minister did issue a timely warning to

those people who produce poultry and pigs. At the present time many farmers are diverting from the wheat industry and are increasing their pig production to a considerable degree. The Minister warned these people that if they continued to do this to any large extent the pig industry, and even the poultry industry, could be placed in a position where there was overproduction. I think the Minister issued a fair warning to those people.

If any criticism could be levelled at the industry generally perhaps it could be in the direction that it is only just 12 months ago that those engaged in it were finding it very hard to obtain or acquire the home consumption price of \$1.71 per bushel. Now, after only some 12 months have elapsed, the industry is seeking to reduce the home consumption price. Therefore, if there is an area for criticism I think it should be levelled in the area to which I have just referred. However, no doubt all aspects of the matter were taken into account and the fact that those engaged in the industry have now agreed to do what is proposed in this legislation, after careful study and revision of the price of wheat, shows an awareness of the position facing the industry. It is obvious that growers saw some action was necessary and they are trying to do something about surplus wheat by reducing the home consumption price. As the other States have already agreed to this proposition, I think it behoves us to support the provisions of the Bill to ensure that the industry gets what it is now seeking. I support the measure.

MR. NORTON (Gascoyne) [5.9 p.m.]: Like the two previous speakers, I rise to support the Bill. I believe it is a move in the right direction, particularly at the present time when farmers are requiring a considerable amount of grain for stock feed. A reduction in the price of wheat to the millers could help to reduce greatly the price of mill offal, and this, too, could be of assistance to farmers in maintaining their stock.

A reduction in the price of wheat will be helpful but, unfortunately, it will be helpful only to those farmers who can afford to pay for it. There are many producers in Western Australia today—and I refer particularly to the war service land settlers—who have just completed the five-year period and they are up against the servicing of their loans. Therefore, I would like to see included in this Bill a provision which would provide for what might be termed the lending of wheat. Included in the Bill is an authorisation to sell wheat, but I believe we could provide also for an authorisation to lend wheat for a period of 12 months to those farmers who are not in a position to pay for it. It would be much the same as a

loan from the bank, except that in this case it would be a commodity exchange. Under the Wheat Industry Stabilization Act a rate of interest could be set out proportionate to the value of the wheat loaned on exchange. The wheat supplied this year would then be returned from the following harvest, and the rate of interest would be charged on the value of the grain so loaned.

Mr. Nalder: Are you referring to people affected by drought?

Mr. NORTON: Those affected by drought and also those who have insufficient feed to enable them to carry on. Many war service land settlers are being called upon to service their loans and they are not flush with money at present. They would be greatly assisted if they were enabled to carry on for 12 months by having wheat loaned to them. At the moment they are facing considerable hardship.

I submit this as a thought and as some means of helping farmers in times of drought or when they are in straitened circumstances. It would assist them to overcome their difficulties. I support the Bill.

MR. GAYFER (Avon) (5.12 p.m.): I am not particularly happy about the Bill, mainly because it provides for a distinct departure from the established cost-of-production price, which is \$1.71. If we trace the history of wheat stabilisation we will realise that only 12 months ago farmers were meeting in large masses to get some degree of unanimity on the proposals put forward by the Federal Government that the cost-of-production figure of \$1.71 be accepted. It was fairly well proved at the time by many engaged in the industry, and after a great deal of research had been carried out, that the cost-of-production figure was, in fact in excess of \$1.71. However, that was the figure offered to the industry by the then Federal Government, and it was the figure finally accepted.

Now, barely 12 months later, we find that the cost-of-production figure of \$1.71, which had been accepted by the industry, is to be departed from to a certain degree by allowing wheat for stock feed to be sold at \$1.43, or a price equivalent to the guaranteed overseas sale price.

By this departure it seems to me that the industry is being asked to agree to a lower cost-of-production figure in order that wheat can be sold, and possibly the argument that a lower price will mean the sale of more wheat generally for stock feed is quite a good one. Of course, we realise that wheat used for this purpose varies from 9,000,000 bushels a year up to 27,000,000 bushels a year, which was the figure for last year.

However, if the Federal Government desires to reduce the cost-of-production figure to \$1.43, why should not the farmer be subsidised by that Government for the difference between that figure and the accepted cost-of-production figure of \$1.71? To me this should have been one of the main arguments put forward; and it is nothing new. Previously subsidies have been given to the grain industry by the Federal Government; and, likewise, the wheat industry has subsidised local consumers when wheat prices have been higher than the home consumption price in Western Australia and, indeed, in other States.

There is one important aspect of this: all these points are well known to the industry. On this basis, the wheat executive of the Farmers' Union of Western Australia did, in fact, oppose the introduction of a two-price scheme. When the wheat executive of this State attended the meeting of the Australian Wheat Federation the vote was overwhelmingly in favour of the two-price plan being introduced. As the majority rules, and as the majority will forever rule in our industry when it is trying to decide its future and its destiny, one cannot really argue against the action that was taken. Nevertheless, I feel that in this case due consideration should have been given by the Government to the payment of a subsidy, if it intended to fix one price for grain supplied for the feeding of pigs and another price for grain supplied for human consumption. A subsidy should be paid by the Commonwealth Government to meet the difference between these two home consumption prices so that at least the cost of production of the farmer will be met.

Because the industry has made a decision to accept this scheme, despite the vote cast by Western Australia against its acceptance at the meeting of the Australian Wheat Federation, I will support the Bill. However, as a farmer I must express some degree of concern over the Government's departure from an established practice; that is, the home consumption price of \$1.71 a bushel, which was arrived at only 12 months ago after due consideration, is being departed from in this the first year of the five-year stabilisation plan. As a farmer I must disagree with this action; but as a politician and as one who recognises that the industry shall have the say—and the industry in this State has reached agreement with the industry in the other States, and has decided to accept the majority decision—I reluctantly support the Bill.

MR. NALDER (Katanning—Minister for Agriculture) (5.17 p.m.): It is evident that the members who have spoken in this debate have given some thought to the legislation that is before us. The member for Geraldton made reference to another

Bill of which notice has been given; and later on I shall have something to say about his remarks. The general opinion is that the industry has made a decision; and this has been done on a Commonwealth basis. For that reason a request has been made to Western Australia and to the other States to pass this complementary legislation.

There is one aspect which I am sure the Australian Wheat Federation took into consideration when it arrived at its decision; that is, the f.o.b. price of \$1.42 or \$1.45, as the case may be, is the price at which wheat is being sold overseas. This is the price at which the stock feeders in other countries are purchasing this grain. Although I have no evidence of this, I believe that the industry realises the disadvantage at which the stock feeders in Australia are placed by having to pay a higher price for grain than stock feeders in other countries pay. As a result the stock feeders overseas have enjoyed an advantage. By reducing the home consumption price of grain used for stock feed, there is the possibility of disposing of a greater quantity of wheat in Australia; furthermore, the stock producers will not be placed at a disadvantage as compared with the stock producers in other countries who are able to buy their wheat requirements at a cheaper rate. By having a higher home consumption price for grain used for stock feed the egg industry, the poultry meat industry, the dairying industry, and the pig industry would be placed at a disadvantage; but I should point out that pig meat has not been exported in any quantity for many years.

Under the present circumstances it is important for us to agree to the proposals in the Bill. However, if the circumstances are altered later, it might be necessary to vary the proposals. In respect of the sales of wheat to overseas destinations and for home consumption, the Australian Wheat Federation has urged the Commonwealth Government to agree to the proposals in the Bill, because they have already been agreed to by a conference of the representatives of the industry in all States; and I understand that some States have already passed this legislation.

The member for Gascoyne mentioned the matter of making arrangements to lend grain to farmers during the drought on the condition that the grain be returned from subsequent harvests. This situation has been examined. The honourable member did mention the need for the producers to return grain of a similar type and quality to that supplied to them by the Wheat Board. It is not necessary for me to outline the difficulties involved in this proposal, because many of them are obvious.

The Government did consider this proposal in deciding on drought relief measures, but it adopted a much better

plan than the one suggested by the member for Gascoyne. Under the proposal of the Government, money will be made available to producers who are not in a position financially to purchase their grain requirements; this money will be made available at an interest rate of 3 per cent. No repayment of the money advanced need be made in the first two years; and the full repayment of the loan will be spread over a period of five years. This is a very attractive proposition.

I am sure the member for Gascoyne can visualise the difficulties which are associated with the lending of grain to producers, who might return it from the next harvest or even subsequent harvests. One problem is to keep tab on the wheat that has been supplied to the producers. In many instances if producers did borrow wheat from the Wheat Pool this year, they would not be able to return it from the next harvest. There is also the problem of their returning grain of the same quality as that which was advanced to them.

Each year the basis of f.a.q. wheat is determined, but there is a difference between the f.a.q. wheat of one year and that of another year. There can be a difference in weight. We can therefore see the problems which would be created by making wheat available on loan to producers.

I believe the system which is now in operation in Western Australia is a fair and reasonable one; it has proved to be attractive to producers who require grain for the feeding of stock. The Government did give consideration to the proposal which was made by the member for Gascoyne, but found it to be very cumbersome and expensive. However, the situation seemed to have righted itself temporarily, and producers who required grain for stock feed purposes were able to obtain it.

Some figures have been given, but I forget exactly the number of farmers who required some assistance in this regard. In the aggregate their requirements did not amount to a very large quantity of grain. I hope that information satisfies the member for Gascoyne, who put forward the suggestion.

I have noted the comments which were made by other members who spoke in this debate. I refer to the point which was raised by the member for Avon, but in this respect the industry has spoken. We all know the events which took place up until last year, which was the fifth year of the wheat stabilisation plan. The new stabilisation plan was agreed to, because the industry realised the importance of stabilisation and it did not want to depart from a stabilisation scheme. Although the system of assessing the cost of production got out of hand, the cost-of-production figure was agreed to on the basis discussed

in the House last year. As the industry has agreed to the stabilisation plan there is a need to introduce the legislation before us.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

BILLS (3): RETURNED

1. Marketing of Cyprus Barrel Medic Seed Bill.

2. Marketing of Linseed Bill.

Bills returned from the Council with amendments.

3. Northern Developments Pty. Limited Agreement Act Amendment Bill.

Bill returned from the Council without amendment.

STAMP ACT AMENDMENT BILL

Second Reading

SIR DAVID BRAND (Greenough—Treasurer) [5.31 p.m.]: I move—

That the Bill be now read a second time.

This measure contains a number of proposed amendments to the Stamp Act and is being introduced for the following reasons:—

Firstly, to extend the duty now levied on hire-purchase agreements to other forms of credit to protect revenue. This was referred to when the Budget for the current financial year was presented to Parliament.

Secondly, to provide exemption from certain stamp duties for local authorities, and junior sporting and youth organisations.

Thirdly, to extend the discretionary power of the Treasurer to exempt from stamp duty instruments concerned with company reconstructions; and, finally, to make a number of machinery amendments relating to the definition of money, objections, and exchange of information to facilitate the administration of the Stamp Act.

When I introduced the Budget I explained that stamp duty collections from hire-purchase agreements are declining as greater use is being made of alternative credit facilities. In 1967-68, \$1,073,000 was collected from duty on hire-purchase agreements. The estimate of collections for this year has fallen to \$700,000. The

full extent of the loss of revenue is, of course, greater than these figures indicate, as they make no allowance for the growth which has taken place in consumer credit.

This situation has been experienced in every other State in Australia and the other States have all found it necessary to enact legislation to extend the duty which is applicable to hire-purchase transactions to other forms of credit.

The Bill proposes to add two new parts to the Stamp Act. These provide for the retention of the existing duty of 1½ per cent. on hire-purchase agreements, and the application of that rate of duty to other forms of credit.

The first new part titled "Credit and Rental Business" deals with credit arrangements, loans, discount or factoring transactions, and rental business.

The second new part titled "Instalment Purchase Agreements" deals with credit purchase and rental agreements, and also covers hire-purchase agreements. These provisions follow in substance those contained in stamp duty legislation in other States.

The credit arrangements affected will be those concerning the sale of goods and provision of services where a charge is made for the credit given. Where no charge is made for the credit, the transaction will not come within the scope of the provisions of this Bill.

To be dutiable under the proposed arrangements a charge for credit must exceed the equivalent of interest at a simple annual rate of 9 per cent. per annum. Provision has been made to exempt transactions not exceeding \$200. This means that monthly charge or small "budget" accounts will not be dutiable. However, large "budget" accounts will be dutiable if a charge is made. These accounts are becoming a substitute for hire-purchase in fields of credit supplied by retailers.

Another important type of credit facility is the use of personal loans to finance the acquisition of goods and services. For this reason the Bill includes a provision to levy duty on loans where the rate of interest exceeds 9 per cent. per annum and the loans are made by persons engaged in the business of lending. Loans for housing and loans made by pawnbrokers will be exempt. In this way duty will be imposed on the variety of loans used to finance goods and services in place of using hire-purchase agreements.

The rate of 9 per cent. per annum which has been used by other States operates to exclude most lending by banks, insurance companies, and the like. Intercompany lending and isolated transactions between individuals will not be subject to the provisions contained in this Bill, as duty will only apply to persons engaged in the business of lending.

Many of the loans which will be made will be secured by chattel mortgages or bills or sale on which duty will be imposed at a lower rate than $1\frac{1}{2}$ per cent. In these cases provision is made for any duty paid on these securities to be deducted.

The discounting or factoring of book debts is another form of credit finance associated with term sales which will be subject to duty under the provisions contained in this Bill. In this connection provision has been made to exclude discounting of book debts between related corporations where the charge does not exceed 4 per cent. This percentage is allowed to cover administrative and collection charges. Purchase of book debts associated with exports are to be exempt as is the discounting of promissory notes and bills of exchange where the rate does not exceed 9 per cent. per annum.

The rate of duty on loans and discount transactions will, as with other types of business subject to duty, be $1\frac{1}{2}$ per cent. However, a special rate of duty has been provided for short term loans and discount transactions.

The rate is one-eighth of 1 per cent. per month and is designed to make the cost of duty more appropriate to the time factor involved in these transactions. Assuming that the short term funds are turned over once a month, or twelve times a year on average, this rate is the monthly equivalent of $1\frac{1}{2}$ per cent. Where loans are made on current account, duty will not be paid on every drawing but only on the maximum amount of principal owing during any month.

Provision has also been made for a rebate of duty where loans upon which the full $1\frac{1}{2}$ per cent. has been paid are repaid within 10 months of making of these loans. These arrangements are based on the provisions applying in other States.

There has been a growth in the practice of hiring or leasing of all types of goods such as television sets, motor vehicles, office machines, heavy equipment, and the like, in substitution for hire-purchase arrangements. It is necessary therefore to bring these hiring or rental arrangements within the scope of the Bill to protect revenue.

Provision has been made to exempt goods leased in connection with real estate as these are not the types of transactions with which we are concerned. This means that transactions will be exempt where plant and stock are leased with a farm, or furnishings are leased with a flat. Also the business of lending books is excluded from rental business subject to duty.

A provision has been made to exempt transactions made by a person solely engaged in hiring goods and services where his annual total transactions do not exceed

\$5,000. I should mention that the amount of \$5,000 is calculated after deducting from the rentals received any costs the hirer may incur in servicing the goods.

Credit purchase and rental agreements conclude the credit facilities covered in the proposed legislation. These are other types of credit financing under which, in some of them, the property in the goods passes at the time of granting the credit, and instalments are paid after the goods are delivered to the purchaser; or goods are leased under specific agreements. They too are being used in place of hire-purchase agreements.

The existing arrangements for payment of duty on hire-purchase agreements have been retained and extended to cover all instalment purchase agreements, but in cases of other credit facilities a simplified system of payment by returns has been included in this Bill.

Each person who carries on business in one or a number of the arrangements for granting credit which I have described is to be required to register with the Stamp Office. He is then to be required to submit a monthly return of transactions together with the duty payable as set out in the Bill now before members. Provision is made for the commissioner to vary the frequency of returns in certain cases where the amount of business does not warrant monthly returns.

The legislation provides, subject to the qualifications and exemptions set out in the Bill, that where a local resident carries on or transacts credit or rental business with a non-registered person either inside or outside the State, he is to make out a memorandum of the transaction and stamp it with the requisite duty.

The extension of stamp duty to all forms of commercial credit will protect State revenues in that they will not be so likely to suffer reduction as new forms of legal credit are developed. At the same time this Bill provides a cheap and simple form of administration for the industry and allows it to adopt the best form of credit suited to particular cases without needing to have regard to tax considerations.

It is estimated that the implementation as from the 1st January of the measures I have outlined will yield \$640,000 additional revenue in the current financial year and this amount has been included in the Budget presented to Parliament.

The only documents issued by local authorities now subject to stamp duty are cheques and debentures for securing loans. The respective rates levied are 5c per cheque and 25c per \$200 of the amount secured. Representations have been received from the Country Shire Councils' Association seeking exemption from stamp duty on debentures issued by local authorities.

As all funds obtained by local authorities are used for the benefit of ratepayers in their respective districts, the Bill now before members contains a provision to exempt local authorities from any form of stamp duty. It is estimated that the full year's cost of this concession will be \$23,500.

In April this year a motion was passed in Parliament proposing that exemption be given to cheques issued by junior sporting and youth organisations. The Government supports this proposition and accordingly a provision for this purpose has been included in the Bill. Under the existing section 75B of the Stamp Act the exemption from stamp duty which may be granted by the Treasurer is restricted to companies incorporated in Western Australia.

The amendments to this section included in the Bill are the result of representations made by North Kalgurli (1912) Limited, a mining company now incorporated in the United Kingdom but carrying on business in this State as a foreign company.

North Kalgurli proposes to go into liquidation and to form a new company incorporated in Western Australia. The liquidator will enter into a contract with the new company under which all assets of North Kalgurli will be transferred to the new company in exchange for shares in that company. The liquidator will then distribute the shares in the new company to shareholders of North Kalgurli on a one for one basis.

Under the proposed arrangements North Kalgurli will change its domicile and become a Western Australian company. The shareholders in the new company will be the same persons and hold exactly the same number of shares as they now hold in the existing company. The new company will own exactly the same assets as are now held by North Kalgurli.

North Kalgurli wishes to undertake the proposed reconstruction for the following reasons:—

Its operations are conducted entirely in Australia and since transferring operational control from the United Kingdom some time ago it has found it unsatisfactory to have its domicile in that country. In the interests of efficiency it desires to have both the board and operational control in Australia.

Over 75 per cent. of shareholders are Australians and in these circumstances the company is of the opinion that Australia is the appropriate location for its domicile.

If North Kalgurli proceeds with its proposals, under the current provisions of the Stamp Act it would be required to pay a

substantial amount of duty. The company takes the view that this amount would be better spent on mining development in this State and if it is unable to gain relief from stamp duty then it will consider abandoning the reconstruction.

The case put forward by the company for relief is reasonable in that there is no real change in the ownership of either the shares or the assets. In effect, it has always been a Western Australian company and it is in the interests of the State to encourage it to improve its efficiency and extend its development in Western Australia.

It is for these reasons that the amendment is included in this Bill. It will allow the Treasurer, at his discretion, to exempt from duty contracts relating to the allotment or transfers of shares and instruments conveying assets in company reconstructions of both local and foreign companies.

In view of the similar types of stamp duty now being imposed by Commonwealth and State Governments and the interstate nature of a number of transactions subject to duty, it is desirable that Commonwealth and State taxing authorities have power to exchange information to protect their respective revenues. The Commonwealth and some other States have already legislated to provide for this exchange of information between taxing authorities, and others have indicated that they intend to do so.

Our Stamp Act contains a limited provision for exchanging information, which does not include other State taxing authorities. Therefore, a provision has been included in this Bill to provide the Western Australian commissioner with similar powers to those contained in the Stamp Acts of New South Wales and Victoria.

One of the amendments made in connection with the imposition of stamp duty on receipts was a provision for exempting banking transactions where cash is exchanged for cash or its equivalent such as cheques or promissory notes. This is described in the Act as the "exchange of money for money."

A firm of solicitors has raised the question of the meaning of the word "money." This firm claims that there is a doubt that it includes bills of exchange. The solicitors pointed out that a similar problem arose in Victoria, New South Wales, and South Australia, and was overcome by defining "money" in the respective Stamp Acts of those States.

Our Crown Law Department supports the contention of this firm of solicitors and accordingly a provision to extend the definition of "money" to include bills of exchange and promissory notes has been inserted in the Bill now before members.

Under the current provisions of the Stamp Act a person who is dissatisfied with an assessment made by the commissioner may appeal to the Supreme Court. The appeal must be lodged within 21 days of the date of the assessment.

In practice most dissatisfied taxpayers take the matter up with the Stamp Office direct and resolve their objections with that office, thus avoiding the expense of court proceedings. However, objections direct to the commissioner are not a legal right. If, after 21 days, the commissioner is not prepared to change his assessment and the taxpayer is still dissatisfied, he cannot proceed to exercise his right of appeal because the time of lodgment has expired.

Members of the legal profession have drawn attention to this unsatisfactory position and they have suggested the Act be amended to allow an objection to be made to the commissioner's assessment within 21 days of its date and, if after receiving notification of the decision on the objection the taxpayer is still dissatisfied, he be given a further 21 days from the date of notification to appeal to the Supreme Court.

It is desirable in the interests of fair administration of the Stamp Act that taxpayers' rights to appeal be protected, and a provision has been made in the Bill for this purpose.

This measure, in addition to arresting the decline of revenue received from hire-purchase transactions, will provide deserving organisations with exemptions and improve the administration of the Act.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

BILLS (2): RETURNED

1. Land Tax Assessment Act Amendment Bill.
2. Land Tax Act Amendment Bill.

Bills returned from the Council without amendment.

TAXATION (STAFF ARRANGEMENTS) BILL

Second Reading

SIR DAVID BRAND (Greenough—Treasurer) [5.51 p.m.]: I move—

That the Bill be now read a second time.

For many years the Commonwealth Government, through the Deputy Commissioner of Taxation in Western Australia, has collected certain taxes and carried out land valuation work for the State. The functions performed by the Commonwealth on behalf of the State are the assessment and collection of land tax, metropolitan region improvement tax, vermin and noxious weeds rates, together with associated property valuation work,

and other land valuation work for State departments, instrumentalities, and local government authorities. The cost of these services has been met by the State. Western Australia is the only State in which the Commonwealth performs these functions for the State.

Early in 1968, the Prime Minister requested that the State take over this work, and I advised him that the State had no objection, subject to suitable arrangements being made for the transfer of staff and records to the State. A committee of Commonwealth and State officers was set up to plan the proposed changeover. In May of this year, the committee recommended that the Government create a new State taxation department to incorporate the State taxing and valuation functions performed by the Commonwealth and to include the Treasury Stamp Office and the Probate Duties Office of the Crown Law Department.

This recommendation was accepted by the Government and action has been taken to create a State taxation department and to appoint a commissioner of State taxation to control the new department. It is proposed that the State will take over the taxing and associated work from the Commonwealth by the 1st July, 1970.

This Bill provides the measures necessary to enable the State to take over from the Commonwealth service those employees of the Commonwealth taxation office who are engaged on State functions and who elect to accept employment with the State. There are approximately 200 Commonwealth employees engaged on purely State functions.

The Bill makes provision for the Public Service Commissioner to offer appointments in the State Public Service to those Commonwealth employees involved in the takeover and gives him the authority to appoint them following their acceptance of the offers made.

Such appointments will not be subject to normal Public Service entrance examinations, medical examinations, age limits, or probation. During their employment in the State Public Service, Commonwealth employees appointed under this Bill will not suffer any reduction in salary, or in increments in salary, to which they are entitled as at the date of takeover, except as the result of any action taken under the normal provisions of the Public Service Act relating to excess officers, incapable officers, or offences committed by officers.

Officers taken over by the State will have their entitlements to recreation leave and sick leave credits preserved. They will also be credited with any long service leave for which they are eligible and with any *pro rata* long service leave for service with the Commonwealth. On appointment to the State, they may elect to accrue further

long service leave either in accordance with their previous Commonwealth conditions or in accordance with State Public Service conditions.

Special long service leave provision has been made to cover certain Commonwealth officers who were previously employed by the State on property valuation work. When this work was taken over by the valuation staff of the Commonwealth taxation office, their services with the State were no longer required and they were offered Commonwealth appointments.

On appointment to the Commonwealth their previous State service was treated as Commonwealth service for long service leave purposes in accordance with existing Commonwealth legislation. As a result, they found that their long service entitlement was less than it would have been had they continued as State employees. Provision has been made in the Bill to credit any of these officers returning to the State with the portion of long service which they forfeited on joining the Commonwealth service.

It will be necessary for the Public Service Commissioner to be able to make firm offers of appointment to the officers involved in the takeover and, therefore, the appointments made under this Bill will not be subject to appeal to the Promotions Appeal Board by other Government employees. This provision applies only to the initial appointments made under this Bill and not to any subsequent promotions.

Because of fundamental differences between the Commonwealth and State superannuation schemes, it has been necessary to make special provisions to preserve the existing Commonwealth pension benefits and rates of contribution in respect of the officers taken over.

The Bill provides that an officer may elect to contribute for the number of units of pension in the State fund that would give him a pension approximately equal to the Commonwealth pension benefit due to him at the date of takeover. The contributions that such an officer will be required to make to the State fund shall be no greater than those he was making to the Commonwealth fund immediately prior to his appointment. Any difference between the amount due to the State superannuation fund and the officer's contributions, will be paid to the fund from Consolidated Revenue.

Where an ex-Commonwealth officer has already attained the age of 60 years, as at the date of takeover, and he has contributed to the Commonwealth fund for a pension entitlement at age 60, provisions have been made to preserve his pension entitlement. In short, a Commonwealth officer's equity in the Commonwealth superannuation fund as at the date of takeover, will be preserved at no greater cost to him.

As they have been developed, the provisions of this Bill have been discussed with representatives of the staff associations concerned. They are aware of the proposed takeover conditions, and I understand the conditions meet with their general approval.

I would like to pay a tribute to the officers who were employed under the old arrangement for the work they have performed loyally for the State. Valuations are never satisfactory to anyone, unless one is selling and the valuations are high. From time to time quite a lot of criticism has been made regarding revaluations and the way in which they were arrived at.

However, I want to say thank you to those people for the work they have done so amicably and so loyally over all these years. It was inevitable that the State of Western Australia should eventually come into line with the other States and establish its own taxation office.

Mr. T. D. Evans: Before the Treasurer sits down, could he tell us whether it is contemplated that the new State taxation department will absorb the offices of the Commissioner of Probate Duties and the Commissioner of Stamps?

Sir DAVID BRAND: Whilst not wishing to give an evasive answer, I understand that the whole of the arrangement is satisfactory to those who have been employed from either side.

Mr. T. D. Evans: But will there still be a Probate Duties Office as well as a Stamp Office?

Sir DAVID BRAND: As I indicated earlier, the duties of those two functions will be brought under the State taxation office.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

Message: Appropriations

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

MARKETING OF EGGS ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [8.2 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains four substantive amendments to the Marketing of Eggs Act, apart from the formal adjustment to the title.

The first of these amendments relates to the definition of a commercial producer who, under the existing Statute, is described as one who owns or controls more than 150 head of adult female poultry. This measure proposes that a commercial producer must own at least 250 head of adult female poultry and, on his own account, have delivered at least 3,000

dozen eggs to the Egg Marketing Board in the 12 months period immediately preceding his nomination for membership to the board. The term "commercial producer" in the principal Act is, of course, only relevant to the constitution of the board.

It is proposed that a person who was a commercial producer at the time of his election will cease to hold office on the board as such if he ceases to be a commercial producer, but in cases where the person concerned is, for all intents and purposes, continuing in the industry, an exemption of up to three months is provided. This will cover instances where a commercial producer has, for example, not met the requirements of the Act because of the reorganisation or rearrangement of his egg-producing unit. The exemption will be applied only to a person holding office on the board and not to a nominee for election.

Both the Egg Marketing Board and the Poultry Farmers' Association of W.A. support the proposal that the chairman of the board shall be appointed for a fixed term instead of the existing tenure of office, which is during the pleasure of the Governor. The term proposed for the chairman is three years and this is in line with the term fixed in the existing Act for the other members of the board. The present chairman will, of course, hold office for three years from the date of the coming into operation of this present amendment. He will also be eligible for renomination.

The final amendment proposed in the Bill relates to the life of the present Act. The intention is that its operation should be extended for another 15 years upon expiry on the 22nd March, 1971. This will ensure its existence until 1986.

It will be appreciated that, although the present Act still has about 16 months before expiring, this is but a short period when the activities and future planning of the board are taken into account. In a marketing organisation such as this, it is essential that forward planning and projections for the future be under consideration at all times and this can only be inhibited if the future of the board and the Act under which it operates is uncertain.

For this reason it is vital to the present plans of the Egg Marketing Board that the provisions of the Act be extended as proposed under the terms of this particular amendment.

Debate adjourned, on motion by Mr. Bateman.

WHEAT DELIVERY QUOTAS BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [6.7 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House is a consequence of the difficulty experienced in selling wheat. There are, at present, stocks of wheat in this country amounting to 260,000,000 bushels.

Members are aware that the Commonwealth Wheat Industry Stabilization Act, supported by complementary legislation in the States of Australia, fixes a home consumption price for wheat and guarantees a price of \$1.45 per bushel f.o.b. for 200,000,000 bushels of wheat exported. The wheat is marketed by the Australian Wheat Board.

In addition, however, the Commonwealth Government makes a loan to the Australian Wheat Board in order that a cash advance may be made to farmers for all wheat delivered to the board. For the past season this was \$1.10 per bushel.

It is a condition of such a loan that the moneys advanced be repaid before receipt of wheat of the following season. In view of the substantial unsold stocks, it was obvious that repayment of the loan was not possible and that at the end of this year some \$200,000,000 of this loan would still be owing to the Commonwealth.

In view of this circumstance, the Commonwealth Government decided that it could advance only a limited sum of additional money as a loan for the payment of advances against wheat received for the 1969-70 season, and this was fixed at \$440,000,000. This sum is sufficient to pay an advance of \$1.10 plus servicing charges on 347,000,000 bushels of wheat received by the Australian Wheat Board.

This decision meant that if an advance at the rate of \$1.10 was to be maintained, the Wheat Board could receive officially only 357,000,000 bushels. This situation was considered thoroughly by the Australian Wheat Growers' Federation, when it was agreed that the advance should be maintained at the level of \$1.10 per bushel and that receipts for the purpose of the advance should be limited to 357,000,000 bushels. Any wheat produced in excess of this quantity would not be eligible for a monetary advance and payment for such additional wheat could only be made after that wheat had been sold.

The Wheat Growers' Federation also decided that from the 357,000,000 bushels, an allocation should be made to each State for a quantity of wheat which would be eligible for the \$1.10 per bushel advance and that such allocation should be on the basis of wheat deliveries to the Wheat Board in past years. Each State should then be responsible for allocations to farmers, also on the basis of deliveries in past years.

The allocation to Western Australia was fixed at 86,000,000 bushels and this proposal was subsequently approved by the Australian Agricultural Council and by the

State Governments. It should, perhaps, be made clear that the part played by the Commonwealth Government is solely to provide the loan of \$440,000,000 for the purpose of advances on wheat receivables. It has left the decisions as to how these funds are to be distributed to the Australian wheat industry as represented by the Australian Wheat Growers' Federation, and within the States to the organisations representing wheat farmers. In Western Australia the organisation is the Farmers' Union of W.A. (Inc.).

The Commonwealth Government is willing to provide the legislation required by the wheat industry as a whole for the implementation of its requirements and expects that the State Governments will act accordingly within their own spheres.

In Western Australia, the Government has made every effort to ensure that its actions fulfil the wishes and requirements of the Farmers' Union, and has held a number of conferences with its representatives, who comprise the wheat section executive of that organisation. In addition, a number of conferences, including conferences of Commonwealth and State Government legal officers, were held to ensure reasonable uniformity of legislation in all States.

Because of the difficulties in ensuring that States were making a uniform approach to the allocations, some action had to be taken in order that the proposals could operate this season, and this was done by the Government with the agreement of the Farmers' Union. It was necessary to establish a committee to determine the entitlement of each farmer to an allocation of wheat for which an advance of \$1.10 will be made and this has been done. The allocation has been designated a delivery quota and the committee designated the Wheat Quotas Committee.

The Bill provides for the establishment of the Wheat Quotas Committee and establishes the conditions under which it shall operate. It sets out the requirements of the owners of land for eligibility for a quota, but the principles on which the quotas are determined are finally decided by the Minister responsible for the administration of the Act. In practice, such decisions reflect the wishes of the Farmers' Union.

In practice, delivery quotas are based on the number of bushels of wheat delivered to the Wheat Board in previous seasons. Applications made by farmers for quotas which contained details of past deliveries were analysed and it was agreed by the Farmers' Union that the fairest method would be to use the average delivery figures for the highest level deliveries of five of the last seven years as the basis for calculation. These

averages were reduced by 17½ per cent. to keep the total bushelage of quotas to within the quantity of 86,000,000 bushels, which is the quota for Western Australia for 1969-1970.

It was realised the farmers who were developing a property could not have a seven-year history of wheat deliveries. In such circumstances quotas were allotted at levels considered necessary for the continued development of the property.

The Bill also takes into account the probability that, due to adverse climatic conditions, some farmers may not produce sufficient wheat to fill their delivery quotas. It was anticipated that in a normal season such shortfalls would be limited and that the shortfalls could be added to those farmers' quotas for the following season. However, under severely adverse conditions such as prevail this year, it would mean that many farmers would have the right to grow wheat to twice the level of their quotas the following season and this might not be possible, or even reasonable, under circumstances when overall production is restricted. This problem must be considered by myself in consultation with the Farmers' Union after the end of this season when deliveries and shortfalls are known.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: Before the tea suspension I was dealing with the provision which relates to shortfalls. In consultation with the Farmers' Union, the problem will be considered by myself after the end of the season when the shortfalls become known.

The Bill also makes provision for conditions which result in the quantity of wheat delivered in accordance with delivery quotas being below the total wheat quota allocated to the State—in this season 86,000,000 bushels. In such cases the Minister may agree to the issue to growers of supplementary quotas. These would be additional to the original wheat delivery quotas and could well be a calculated percentage of the growers' original quotas. Supplementary quotas would qualify for the advance payment of \$1.10 per bushel.

It will be realised that, had such circumstances not eventuated, supplementary quota wheat would have been over-quota wheat; that is, wheat grown in excess of the quotas. It is therefore intended that the number of bushels of supplementary quota wheat delivered in 1969-70 shall be deducted from the quota to which the farmer is entitled mathematically in the following season. At this stage I might mention that, if sales of wheat continue at a low level, the wheat delivery quota for Western Australia next season may well be less than 86,000,000 bushels—and perhaps substantially less.

I hope I have made it clear that the quota allotted to a grower results from a mathematical calculation based on

deliveries over past years. For this reason, it has not been considered necessary or desirable to make provision for appeals against the decisions of the Wheat Quotas Committee. Nevertheless, it is realised that special circumstances could have occasionally arisen which seriously affected the deliveries of some growers in the best five years of the past seven years. Provision has therefore been made for a grower to forward to the quotas committee a submission in writing explaining all such circumstances in detail and requesting reconsideration of the quota allotted to him. The subsequent decision of the committee would be final.

It will have been noted that delivery quotas are based on the past deliveries from farms, and are determined irrespective of whether the wheat was produced by the owner or by a sharefarmer. The quota is therefore to be allotted to the farm and any sharefarmer must make his own arrangements with the owner for a share of the wheat delivery quota.

The Bill also provides for consequential amendment of the Wheat Industry Stabilization Act, so that separate pools can be made of quota wheat and of wheat which is not quota wheat.

Furthermore, it has been necessary to modify the operation of the Bulk Handling Act, so that Co-operative Bulk Handling Ltd. is not legally obliged to accept into storage any wheat which is not quota wheat. It is necessary to ensure that storage can be provided for all quota wheat of 1969-1970, and quota wheat of 1970-1971. In actual fact, due to the effect of drought conditions this season, Co-operative Bulk Handling Ltd. will almost certainly be able to accept all wheat for storage from the coming harvest.

Under the provisions of the Bill, all expenses incurred in the administration and organisation of the wheat delivery quota scheme are to be met by Co-operative Bulk Handling Ltd., but such expenses will be recouped by the Australian Wheat Board. The authority for this will be written into the complementary amending legislation to be introduced by the Commonwealth Government.

Finally, it should be mentioned that it is the hope of the Commonwealth Government, which provides the loan funds; of the Australian Wheat Board, which has the unenviable task of selling wheat on a shrinking market; and of wheat industry leaders, that the introduction of wheat delivery quotas will not only help to ease a difficult financial situation but will have the effect of reducing substantially the quantity of wheat produced in Australia to levels more in line with the quantities grown in past years and more related to quantities which can be sold.

In this connection it is important to note that in August last the carryover stocks of wheat held by the five exporting

countries amounted to 2,300,000,000 bushels—some 600,000,000 bushels higher than at the same time in the previous year. Between them, the United States, Canada and Australia held 650,000,000 bushels more than the previous year.

I regret that it is necessary to introduce the Bill; but the facts of the situation which I have outlined to the House make it necessary not only for Western Australia, but for all the other States, to introduce the wheat quota legislation. In fact, if this legislation is not passed by each State, then the whole arrangement which has been made with the Commonwealth Government will become null and void, because the Commonwealth Government has stated quite clearly that unless the States are prepared to introduce wheat quotas it will not be in a position to make available, on a restricted production basis, the money that is required.

We all appreciate that many difficulties are associated with the wheat quota system. As I explained earlier, and I repeat, no action has been taken by this Government without full consultation with the wheat section of the Farmers' Union, which represents the industry in Western Australia and which also has representatives on the Australian Wheat Federation.

The legislation before us has been introduced at the request of the Australian Wheat Federation after agreement had been reached among all the States of the Commonwealth. In view of this it is necessary for us to pass the Bill before the House.

Mr. Tonkin: Why is it provided in the Bill for the Minister to direct the Wheat Quota Committee on matters which ought to be automatic?

Mr. NALDER: The fact is that some person must be responsible, and the Crown Law Department has indicated to the Government that a Minister of the Crown will have to be responsible under the Act. In this case the direction is to be given by the Minister who is in charge of the legislation.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from the 29th October.

MR. JAMIESON (Belmont) [7.39 p.m.]: A number of small amendments to the Local Government Act is included in this, the fifth amending Bill to be introduced this session. Some of these amendments are somewhat controversial, and others are obvious ones which should be made. I shall deal with the amendments as they appear in the Bill, and that is probably the best way; and later on I shall deal with the general aspects of them.

The first provision we find rather controversial is the one which gives power to the Minister to create wards in shires which do not at present have the ward system in operation. Actually, under the Bill the power is given to the Governor, but we all know that the recommendation comes from the Minister, so this puts the matter back into the Minister's lap. I hope he will give some consideration to this matter.

A number of shires which will be affected by this provision are situated some distance from the metropolitan area. This legislation was introduced only last Wednesday and it has been virtually impossible therefore to obtain a clear indication from those shires whether they will be satisfied with this provision. I therefore hope the Government will give consideration to not pressing on too rapidly with the Bill. I do not think there is any necessity for it to be passed before the autumn period of this session; and, if this is so, we could by that time obtain a clearer and more concise opinion from those shires.

While on the surface it appears as if this provision would be a good one—and it would be good with regard to the creation of new local authorities because initially the power would be vested in the Minister to create wards—it really does neither one thing nor the other. A local authority has certain power to request these changes and then the Minister is given the power to make them.

In my opinion section 12 should be rewritten to set out more clearly the provisions under which local authorities would be obliged to readjust their boundaries. This is one of the greatest failings under the Act at present, because a town ward has half the population while the other half is spread over two or three wards. The onus should be placed on the local authority. The Act should stipulate that a local authority must under certain circumstances make a redistribution. The onus should not be on the Minister to walk in and interfere. We all know that under the Electoral Districts Act, a redistribution of parliamentary districts must take place under certain circumstances.

If the onus is placed on the Minister, certain local authorities will experience an ill feeling against the Minister, because it would appear from their point of view that there has been unnecessary interference. We must remember that a provision does exist which gives the local authority the prerogative to petition the Governor to take the action desired.

The situation has not been very well handled under this section and the present proposal will not improve matters. Indeed, I do not know whether the situation could be improved, as far as local authorities are concerned, in such places as Port Hedland and various goldfields areas, because those local authorities have

never had, or for a long time have not existed under, the ward system. To give the Minister overriding power in connection with these local authorities would probably be wrong if we did not first obtain a full appreciation of their attitude.

The Minister may or may not have obtained the approval of the local government bodies. I do not know. But let us assume he has. Most of them do, of course, have a ward system in vogue, but I doubt very much whether they would appreciate the inclusion of a provision under which the Minister has the right to say at any time to a local authority that it must create another ward or redistribute its wards. This can be done according to his whim or desire. The provision does not say that he "shall" do this, but only that he "may". Such a provision allows a great deal of latitude and scope.

This type of provision should be written into the Act so that it is mandatory that distribution of ward boundaries shall take place in accordance with stipulated geographical features, revenue features, population features, and so on, which are involved in an equitable distribution of representation in the wards of municipalities.

Mr. Nalder: This, of course, would be done only to ensure all ratepayers would have reasonable and fair representation.

Mr. JAMIESON: We would hope so, but one cannot say that under the system which prevails at, say, the Kalgoorlie Municipal Council at present, each ratepayer has not fair and equitable representation, because ratepayers have the power to elect the whole council. This is a point on which we could be at variance. At present one ward could have five times the number of people in the other wards in the same local authority and therefore it could be receiving five times the income, and so on; but because it is possible under the Act for those concerned on the authority to dig their toes in because they do not want a change as they are satisfied, the Minister's hands are tied. I admit this. Nevertheless, I say that instead of the onus being placed on the Minister it should be placed squarely on the shoulders of the local authority so that immediately the wards get out of proportion, the local authority must, itself, take action to maintain equity in the voting powers of the citizens involved.

Mr. Nalder: If you left it to the local authority to take action at that point, it would not, because the majority would still be in favour of the present system.

Mr. JAMIESON: The Minister does not understand.

Mr. Nalder: I completely understand.

Mr. JAMIESON: I want it written into the Act that it is mandatory for a local authority to take action when this disparity occurs, the same as certain action

must be taken under the Electoral Districts Act when a set of circumstances arises. If, for instance, three out of five wards are out of proportion, it should be mandatory for the council to take action instead of its being able to wait until four wards are big and there is only one small ward, and it is obvious that some action must be taken.

I believe that local authorities have probably failed to take enough action in this regard in order to keep some other authority away from them, but I say again that I am not too happy with the provision in the Bill, because it is an innovation. The Minister has not had the power before to say to the authority at, for instance, Port Hedland or Kalgoorlie, that it must have a system of wards. I cannot ascertain from my goldfields colleagues what they think about this issue.

I realise why the provision has been included and I realise that with the creation of anything new it is desirable for power to be vested in the Minister so that he can, with the assistance of his advisers, stipulate that a ward system must operate. I know the situation with regard to the recently-formed goldfields local authority, and I know there was some difficulty associated with the new authority which has been created as the result of the amalgamation of the Midland Town Council and the Swan-Guildford Shire. However these are new local authorities and they are in an entirely different situation from the situation of those in existence. Therefore the Act should more clearly cover what shall apply in each case.

After each local government election many complaints and Press comments are made about postal voting, and the situation will not improve very much until the appropriate section is given some attention. At present it is very cumbersome. For instance, a smart scrutineer could object to all postal votes because instead of anybody being able to witness postal vote certificates and applications, the Act stipulates who shall be a *bona fide* witness.

An authorised witness can be a justice of the peace, a commissioner for declarations or affidavits, a legally qualified medical practitioner, a postmaster, a bank manager, a member of the Police Force of the State, a classified civil servant of the State or of the Commonwealth, the returning officer for the election or poll, or the clerk of a council. Paragraph (j) of section 113 of the Act fogs up the whole of the section because it states that a witness is a person enrolled as an elector for the Legislative Assembly.

Of course, if a scrutineer asked what qualifications a witness had—and the form merely provides for qualification, and no address—the returning officer would, of necessity, need to have the rolls of all the

Legislative Assembly districts within the State to be able to indicate whether the certificate was in order or not. That is completely hidebound.

If the provision were to say, in effect, that a witness could be any person who is, or who is entitled to be, an elector of the Commonwealth of Australia or the Legislative Assembly, that would eliminate any chance of an objection to an application for a postal vote on the grounds of its being out of order.

Many problems have been encountered and I do not think we will ever get away from problems associated with local government elections while there is room to manipulate. Of course, while there is not compulsory voting in local government elections there will be room to manipulate because of the activities of zealous, or overzealous, or dishonest people. When those kinds of persons know that someone is away—perhaps overseas—and will not be voting, they record, by manipulation, a vote. There is no way of overcoming that problem unless, of course, there is some compulsory form of voting. Then the chances of manipulation are far more remote, because a person is less likely to use somebody else's name. This has occurred, appreciably, in local government elections. We heard complaints after the last election and after the previous election, and the complaints will continue. Nobody will come forward and openly make a statement, but obviously the way is open.

It should not be possible for manipulation to occur, and the only way to stop it is to reduce the opportunities. The provision to allow an application for a postal vote to be made 35 days prior to an election is probably much in line with Commonwealth and State electoral legislation. However, the wider the scope for postal voting—or absent voting—then the more problems we will have, because there will be room for manipulation.

Somehow or other we have to tidy up the legislation more than by just altering the system so that instead of handing the envelope to a witness to place in a second envelope the voter shall do the job himself. That seems to be fiddling with the situation and does not seem to be overcoming the problem.

The next amendment contained in the Bill deals with the situation which arose at the Perth City Council elections. On that occasion, I think, the returning officer issued a number of votes on single ballot papers, and that was found to be unlawful. The election was upset and subsequently had to be reheld. The proposed amendment clearly sets out that if the ballot papers in the envelope, when returned, number more than those issued then they shall be set aside and not used in the count. How it would be possible

for a greater number of ballot papers to be returned is not clear—perhaps the returning officer could have made a mistake and sent out too many, or perhaps a few extra had been printed.

However, the proposed amendment does not say what will happen if fewer than the number issued are returned. I suppose it is presumed that they will be admitted. If the numbers do not reconcile, then one situation is as bad as the other when there is an attempt to reconcile the sheets with the ballot papers issued. So I suggest this provision needs further examination, and something should be done.

The next amendment in the Bill deals with the proposed remuneration of the workers involved in the election. I think it refers particularly to officers other than the returning officers who are required to attend the counting of ballot papers. At present they receive \$1.20 for each hour they so attend and it is now proposed to amend that amount and apply the rates—

for the time being prescribed in the regulations made under the Electoral Act, 1907, for the performance of similar duties by corresponding officers with respect to elections conducted under that Act, with a minimum of two hours' payment.

The reference is to officers other than returning officers. At the present time the returning officer gets \$14.70 if the enrolment does not exceed 2,000, and the deputy returning officer also receives \$14.70. On top of that amount the deputy returning officer starts to get paid as soon as counting begins. The increased rate will apply to the deputy returning officer but will not apply to the returning officer and the position will be far worse than it was before when the returning officer was paid a flat rate of \$14.70. Now the deputy returning officer could receive up to \$30. That does not appear to be fair when, surely, the responsibility is in the hands of the returning officer.

I know we have argued this point previously and it has often been stated that part of the shire clerk's job is to be the returning officer. But surely that is work outside the normal scope of his duties. The assistant shire clerk could be the deputy returning officer for the day and he would finish up getting paid twice as much as the shire clerk, who would be the returning officer. This seems to be a ludicrous situation and there is room for improvement. Such a provision should not be fiddled with when there is plenty of time for it to be examined before the next local government elections.

It is interesting to note that the present fee—including the fee for presiding—paid to a deputy returning officer under the Electoral Act regulation when he assists

in a count and when he presides at a polling place appointed as a counting place, is \$20. In addition, he receives a 50c fee for each additional polling place from which ballot boxes are forwarded to his counting place.

The deputy returning officer will receive another \$20 besides the \$14.70 prescribed initially. I suggest it is wrong to make the disparity any wider than it is at present. The returning officers should be brought into line with the provisions as laid down in the Electoral Act.

The task of one is just as onerous as that of the other. As a rule the numbers are not as great. I should think that, excluding the Perth City Council and perhaps the Fremantle City Council elections, the numbers would not be as great. In that case the fees could be laid down according to the count or the likely count to be conducted. This matter appears to me to require some attention.

I notice a provision in the Bill to amend a section of the Act which was amended earlier this year. The proposal then was to amend the Act to make sure that no more than half the council sit on any one committee. We are now dealing with another amendment to the effect that those included in the term "half the council" will be the shire president, the mayor, or the president as the case may be. It seems that a great deal of work has gone into this section when, initially, it could have been clearly explained in a few words. Once Parliament adds to sections instead of deleting them and explaining the situation more clearly, it only complicates the legislation.

I heard a comment on this section from a person who is closely associated with local government. He says—

This section purports to clarify the maximum number of councillors sitting in committee and, whilst on deep reading this is probably so, I think the wording is rather confusing on the whole and could have been stated in more clear terms.

I think this sums up the position. The position should have been clearly stated that the term "half" includes the shire president, the mayor, or the presiding officer, as the case may be. Usually this position will arise only when the president or mayor is elected by popular vote instead of being a ward member. In the latter case, usually the position does not arise.

It does complicate the legislation to give a person the right in one section of the Act to be on any committee which he determines and, in another section to say that he may be a member so long as his presence will not bring about a number of members on the committee which is

more than half of the council. I consider that the person who gave comment on the matter clearly stated the situation. Doubtless the legislation will achieve its purpose, but it is a rather clumsy way of doing it. Surely this purpose could be achieved in other ways.

The proposal to give councils powers over private swimming pools is long overdue in the Local Government Act. Members will recall that a member in another place moved a motion to this effect and has asked many questions on the subject at various times. At all times he has taken a keen interest in this matter and I am sure his efforts have prevailed upon the Government, which has finally included a provision, the terms of which will be most satisfactory to local governing bodies and which will help to overcome any anomalies that presently exist under the Act.

Mr. Ross Hutchinson: It will not be an easy problem for local government, I would think. Does not the member for Belmont agree?

Mr. JAMIESON: Different areas would have different problems, and some areas would not have very great problems. It depends on the locality. The position will be that the situation can be dealt with by the local governing body. Prescribed over-all or model by-laws would be a greater problem, because local situations alter dramatically from one area to another.

The new provision which will enable the Minister to appoint people to assist him on the question of building appeals is a very desirable feature. At least, people will have somewhere to go. As the building industry has progressed, doubtless the Minister has been loaded with appeals and he must find that most of his time is taken up in considering appeals under this section of the Act and, indeed, under many sections of the Town Planning Act when he is obliged to give a decision as Minister.

I consider it is a good move to include this provision and I have no argument with it. However, I cannot see a stipulation with regard to the term of appointment of such persons. I do not know whether it is proposed to appoint them for a time and then dispense with their services and whether it is proposed to appoint people from the Department of Local Government or from somewhere else. I consider this should be made clearer in the legislation. I would like to know whether they are to have a more or less permanent appointment and will constitute a board which will consider such matters and advise the Minister, or whether they will be casually appointed from time to time as it is found necessary. If this were the case, there could be a varying exercise of powers depending upon who sat on the board from time to time. This might not be altogether desirable.

The final amendment to which I wish to refer is in clause 16 of the Bill where it is proposed to give local authorities power to make further by-laws when a person—

drives a vehicle carrying a load unless the load is so arranged, contained, fastened or covered that the load or any part of it cannot fall or otherwise escape from the vehicle.

This annoys most of us at times, particularly in late spring when everyone starts to cut a few trees and pull weeds in his garden. Usually one borrows a trailer from somewhere and it is rather annoying if, halfway down to the tip, the rubbish falls off into the centre of the road. People go around it for several days until the local authority comes along and removes the branches or the heap of rubbish.

Consequently this is a desirable provision to include in the Act. The Minister has pointed out that it is already included in the Traffic Act, but by including it in the Local Government Act, local government officers will be given the right to police the provision as well, and this is a good move.

That is about all I have to say on the Bill. I consider some of the provisions need tidying up, as I have mentioned. In my opinion, there is unquestionably room for improvement in the overall situation of postal voting, and doubtless this necessity has provoked some of the amendments which are before us. Indeed, I suggest that before long it will be necessary to consider some way of tackling the overall problem associated with postal voting. I cannot see how this problem can be avoided while the present franchise under the Local Government Act remains as it is.

It has been shown at many elections that if one can obtain enough absentee votes—and absentee votes are all postal votes—one can usually win an election. We have even seen where booth figures are completely wiped out by postal votes when they have been opened and counted. I do not think this is altogether desirable. I expect, though, that the central city of Perth, say, would, if we did away with postal votes, probably be devoid of electors with the exception of a few people who live in hotels or in other places and who have the right to vote. However, this would be a very small vote.

On the other hand, it is not at all satisfactory to think that people with a voting list can manipulate the voting by having access to a vast number of postal votes. This applies particularly in offices in cities, in towns, and in concentrated business areas. The wishes and desires of the resident ratepayers and electors in an area can be thwarted by this means, but the resident ratepayers and electors are the ones who keep the area going. I consider some improvement

is definitely necessary. I hope this is not the final word on this matter and that the Minister will look to see if the provision can be further tidied up, at least before the next election is due.

All in all the move to prevent the possibility of drownings and the other unfortunate happenings, which we all try to cope with these days, and the move to prevent rubbish being left on the road—we get enough rubbish with discarded cans and what have you without garden rubbish being left on the roads—are good moves, and to the extent of those moves I support the Bill. However, I have reservations as to whether the measure should be proceeded with in haste; and I wonder whether we may be able to get a clearer indication as to whether the effects of the ward system might not be better stated to suit those local authorities which do not now indulge in this practice.

MR. TOMS (Ascot) [8.11 p.m.]: The member for Belmont has covered this amending legislation fairly well. However, I would like to elaborate on a couple of points and also to support his contentions. The first clauses in the Bill are machinery ones which are necessary to make provision for the amendments which follow.

The main cause of worry to us on this side of the House seems to be clause 4 which deals with wards. I agree with the member for Belmont that we could possibly leave this amendment until the autumn sitting. I cannot help but believe that this is the outcome of the special committee appointed by the Government in March, 1966, to consider local government boundaries which brought down its report in May, 1968.

Since then, of course, we have had the amalgamation of the Town of Boulder with the Shire of Kalgoorlie. I am afraid there is a terrific amount of overlap in the wording of section 12 of the principal Act, and I agree with the member for Belmont that some consideration should be given to the matter, and more particularly to the proposed new subsection and paragraph. The whole of that section should be investigated, because I believe it contains repetitions which could be done away with, and the section could be tidied up to make it a more workable proposition.

I think the question of wards has been brought about by the recent election which took place in Kalgoorlie where 11 members of the council were elected from the Boulder area and two from the Shire of Kalgoorlie. I believe the Boundaries Commission did a reasonable job in the report it presented; however, I do not agree with the boundaries it proposed, although the principle itself is quite good. I feel that the purpose of clause 4 is to give the Minister the opportunity to decide the boundaries of wards when two shires propose to amalgamate, and possibly it is also to determine the number of people representing each of

the amalgamating councils. That is all right in theory, but I feel that far too much power is being placed in the hands of the Minister.

No mention is made of consultation with the local authorities, and I believe this is something which is absolutely necessary when a shire and a council propose to amalgamate. No doubt the Minister would give consideration to this, but we know how hard it is for local authorities to make up their minds to have a small portion of their territory taken from them, and how difficult it is for them to give up these parcels of land. However I believe the local authorities realise it is inevitable that the findings of the commission will eventually be carried into effect in some form or another, and I think that with a proper approach by the Minister we could possibly reach the desired position in which wards would be decided before an amalgamation took place.

Nothing is written into this clause to say that the Minister shall sort out the boundaries of wards in consultation with the local authority. According to the amendment before us the Governor-in-Council may alter boundaries, but a position could arise—and this is why I support the member for Belmont—in which some injustice could be done. So I believe no greater danger would be involved in leaving this amendment until the autumn sitting, even if the remaining amendments were passed. I know the Minister in this House is at a disadvantage because this is not his portfolio and he is handling the Bill on behalf of the Minister for Local Government in another place who, no doubt, is much more conversant with the Act than is the Minister here.

I do not expect the Minister in this House to say he is prepared to leave out this part of the Bill, but I would suggest to him that he draw the attention of the Minister for Local Government to the remarks made by the member for Belmont and myself with a view to seeing whether section 12 of the principal Act could be tidied up and provision made so that the Minister, in consultation with the local governing authorities, shall decide ward boundaries before an amalgamation takes place.

As I said, I believe a situation arose at Kalgoorlie where we had 11 councillors elected from Boulder and two from Kalgoorlie. Incidentally, I think the two councils should have been amalgamated first, and a section of the shire put into another area. However it is done now and we cannot do much about it.

Mr. Nalder: Don't you think this legislation is designed to overcome the difficulty you just mentioned with regard to Boulder and Kalgoorlie?

Mr. TOMS: Yes; but we should have proper consultation with the local authorities. I feel a bit worried about this, because we could have gerrymandering.

Mr. Nalder: I would not expect the Minister to be involved in a situation like that.

Mr. TOMS: Well, if there is consultation I would not expect it to occur.

Mr. Nalder: In our experience, we have not had a Minister in the last 10 or 15 years who would have been involved in this—not even a Minister in the last Labor Government.

Mr. TOMS: Perhaps this could happen quite innocently. We could have a person representing a ward which might involve one-ninth of the shire, and he might represent only about three people in the shire. So I think full consideration should be given to having proper and full discussions with each local authority when amalgamation is about to take place. I believe no great harm would be done by delaying the Bill. I know it is proposed to amalgamate the City of Midland with the Shire of Swan-Guildford; but even there the councils are now trying to work out what their representation shall be. I think they have worked out that it will be on a four-ninths basis, and they suppose that it cannot be worse than that.

I think this is the time for the Minister to talk to the two councils to find out their views and to divide the area up into wards in proper proportions having regard to population, roads, areas, and everything else.

The other point I wish to touch on is the amendment to section 135 of the Act, dealing with the payment of salaries, etc., to presiding officers and deputy returning officers. Here we find something creeping into this Act which seems to have become something of a habit in regard to other Acts. We are introducing the Electoral Act into the Local Government Act. I do not know why we cannot state the fees which are to be paid, even if they need to be amended from time to time, without referring to a section in the Electoral Act.

This is the Local Government Act, so surely it should deal purely with matters affecting local government, thus saving anybody referring to it the trouble of having to look from one Act to another to find out what the interpretations are. We should endeavour to keep each Act separate as much as possible. I would therefore ask the Minister in this House to pass this comment on to the Minister for Local Government, who is in another place.

Since the Local Government Act has been in operation in this State it has not been necessary to make any reference to other Acts in regard to it. We have had uniform building by-laws, of course, in which reference is made to various departments.

However, this Bill deals with local government functions, so I do not think there would be any great harm in fixing the fees by regulation instead of having to refer

to another Act to find out what the fees are. With these comments, I support the majority of the amendments in the Bill. Nevertheless, I consider we should hasten slowly, particularly in regard to the provisions in clause 12. I should be pleased if the Minister in another place could ensure that all local authorities are happy about these provisions and that, when the boundaries of wards are being considered, the Minister will determine them after consultation with, and having the co-operation of, the local authorities affected.

MR. MOIR (Boulder-Dundas) [8.22 p.m.]: I endorse the remarks and the propositions that were put forward by the two previous speakers in regard to clause 4, which seeks to amend section 12 of the Act. The people on the goldfields have already had the experience of the Kalgoorlie and Boulder Shires being dissolved and of having no local representation for several months, as the local government affairs were administered by a commissioner.

I pointed to this fact when I asked a question on the 5th August last. I asked why the ratepayers of the Shires of Kalgoorlie and Boulder had been without local government representation since the 30th June, 1969. An election was not held until the following October, brought about, no doubt, by circumstances which the Minister may not have been acquainted with previously. Nevertheless, I consider that, in some respects, the whole situation was rather deplorable.

In the first place the intention was to abolish the municipality of Boulder and its area would then be absorbed by the Shire of Kalgoorlie. It was also intended that the Kalgoorlie Town Council would be increased by three representatives who would be elected from the town of Boulder. That was a ridiculous proposal because, of the two local authorities, there were more ratepayers in Boulder than in the Kalgoorlie Shire as it then was. Therefore, under that proposal the people would have had disproportionate representation.

However, the people who did not wish the Town Council of Boulder to be dissolved, in company with the local members of Parliament, met the Minister by deputation and he then decided to abolish the Shire of Kalgoorlie also. At this point I want to remark that I cannot see the distinction between abolishing one local authority and dissolving the other because, as far as the representation of the people is concerned, they are both non-existent.

It was decided to hold an election, and after nominations were called for, about 31 people nominated from various parts of the shire and municipal areas. Then some of the councillors took out an injunction against the Minister to restrain him from putting a commissioner in charge and from holding an election in

the area. This, of course, delayed matters considerably, but I feel that this was done to put pressure on the Minister to try to get him to agree to wards for this area being drawn up.

It now appears that the Minister did not have power to do that, and the local authorities could not do it because they were non-existent. Evidently consultations were held by the parties concerned to see if they could agree on a ward system. As I have said, I asked a series of questions on the 5th August last which were replied to by the Minister. I will not read all of the questions and answers, but quote only portion of one of the Minister's replies. It reads as follows:—

This was done with the mutual concurrence of all parties to see whether arrangements could be made for representation of all parties in the new enlarged Shire of Kalgoorlie by the creation of wards. Present indications are that no arrangements regarding wards will be reached. Nevertheless an attempt has and is being made.

I can quite understand why that move was not successful because, in my opinion, the proposals were absolutely outrageous. In saying that, I have for my authority information that the legal gentleman who had been retained by the municipality of Boulder to watch its interests had been present at the conference that was held between the interested parties, and he published a letter in the *Kalgoorlie Miner* only a few days before the recent elections that were held in the Kalgoorlie-Boulder area for the local council.

That legal gentleman pointed out that at the conference two ex-members of the shire council put forward the proposal for the creation of wards consisting of two wards for the pastoral industry; one ward for the mining industry—each of which was to have two representatives—five members to represent the shire council area; and two members to represent what had been the municipality of Boulder. That was a complete gerrymander.

I agree that the proposal for pastoralists to be represented is quite acceptable, but I do not know that I can go so far as to say the same about the representation for the mining industry. The pastoral area extends from Kalgoorlie north to a distance of over 30 miles to the boundary of the Shire of Menzies. It then proceeds along a line to the South Australian border. It also proceeds along a line to the boundary of the Coolgardie Shire, which is about two miles north of Kambalda. The boundary of the Kalgoorlie Shire goes around that and practically right along the Eyre Highway to the South Australian border.

I have made inquiries and I have been told that 47 ratepayers could be termed as being in the pastoral area. I doubt

that very much. However, I could not argue with the source of my information, and I am prepared to accept that there are 47 people in that vast area.

Mr. Nalder: That would represent a considerable number of miles of road.

Mr. MOIR: Yes, because one must bear in mind that the pastoral area is very extensive indeed. It extends practically to the South Australian border. Only two or three weeks ago I flew over that country after attending the opening of the Western Australian bitumen section of the Eyre Highway. We flew direct from Eucla to Kalgoorlie and saw a great deal of that country. I was amazed to see how it has been developed and is divided into large paddocks, fenced all the way. One can distinguish the fences by the roads that are cut around the paddocks.

Mr. Nalder: They go right up the railway line.

Mr. MOIR: Yes, they extend north of the railway line, too. With favourable seasons this is very good pastoral country, because it does enjoy a reasonable rainfall.

For the life of me I cannot see why these people should be entitled to four representatives out of thirteen. That is ridiculous enough, but then we find the Minister saying he is quite certain that the pastoral interests and the mining interests should be represented. This is the part of the Minister's speech that alarmed me. While I go along with that proposal part of the way I would point out that to my knowledge the mining interests have always been represented.

These interests have more or less always been represented on the Shire of Boulder and on the Shire of Kalgoorlie, because they have staff members who stand for election to the local authority. In the last shire council I think there were about three gentlemen engaged in different capacities on the staff side of the mine—engineers, and so on. In the case of the Dundas Shire Council the manager of the local mine was for many years also the president of the shire council. One or two others who could also be termed staff men on the mine have also nominated for election to the local authority.

So I would say the mining interests were very well represented without having a ward called a mining ward. If wards are taken into account—particularly those covering the more populated areas—it is inevitable that somebody representing the mining companies will stand and be elected, because there is no prejudice against these people; as a matter of fact, they are rather well received because they can be of some benefit to the local authority concerned in their capacity as engineers or whatever they might be qualified to do. Being men who are qualified in engineering and other aspects

of mine work, they are able to discuss matters that might arise with the local authority and thus give that body the benefit of their advice.

I cannot see why the mining industry in Kalgoorlie should have two representatives as was evidently claimed at the conference. Although this is an important industry, there are only four mining companies which are engaged in operations on the Golden Mile. They are operating at Mt. Martin, at Scotia, at Carr Boyd Rocks, and other places within this area.

I am most concerned and I hope that when a ward system is drawn up an equitable arrangement will be arrived at. I do not want to see repeated the position that existed at Esperance while that area was in my constituency. I do not know whether the position has been altered since it has been taken out of my constituency. I do recall, however, that the town areas, in which most of the population lived, were outvoted by four to one by the farming areas.

While I agree that the farming industry is important and that it should have a say in local government, I certainly do not think the people in that industry should be in a position to outvote by four to one the people living in the towns, because it is the latter who, after all, are paying the bulk of the rates.

I do not want to see that situation develop. We know that those in the pastoral industry are on a different system of rating from the town dwellers. Apart from this, valuations in the town areas have increased just as they have here and the people there are paying much higher rates than they were previously.

Like the member for Belmont, I appreciate that the Minister in charge of the Bill here is at a disadvantage because he is merely piloting the measure through this House on behalf of the Minister for Local Government who, of course, is in another place.

I am concerned, however, that a Bill of this nature should be brought down and that it should be put through in a couple of sittings without the members concerned being able to consult the local authorities in their districts.

I have had no time to consult the people on the goldfields to see what they think about this. I have sent a copy of the Bill and of the Minister's speech to the people concerned but, of course, it is necessary for the local authority to call a meeting, to dissect the provisions in the Bill, and to inform the member concerned of any views it might have. There has been no time, however, for this to be done.

It has been pointed out to me by one or two of my colleagues who represent the South-East Province that they have had no chance to obtain the views of the local authorities in their areas.

I feel it would be wise to stand this Bill over, because there is no real pressing need for it at the moment. We should be given time to ascertain the views of our local authorities before any further action is taken.

I am not altogether happy that the Minister should be given absolute power. Like the member for Belmont I think these things should be done in consultation with the local authorities concerned.

Mr. Nalder: I should think the Minister would do this.

Mr. MOIR: Knowing the Minister as I do I feel sure he will but, of course, he may not always be the Minister for Local Government. While the laws on the Statute book remain, Ministers come and go. The Minister evidently took a stand on the outrageous proposal made by the members of the ex-shire in regard to the cutting up of the wards at Boulder and the consequent representation. While I agree that what has happened in that area is not in the best interests of the district, things are not as one-sided as they may appear. I believe that 60 per cent. of the ratepayers at Boulder exercised their vote—that is, under the old municipal boundaries—and about 30 per cent. exercised their vote under the shire boundaries. People should not think however, that those in Boulder voted wholly for the municipal candidates, and the others voted for the shire candidates, because a number of votes which came from Boulder were in support of the shire candidate and a number of those from the shire areas supported the candidates from Boulder.

It is rather a pity that all this bitterness was engendered, but this no doubt occurred because the individuals concerned probably thought they were doing what was right. A great number of people were upset however. I think it is true to say that the average Australian likes a fair go; he does not like to see something done which he feels ought not by right to be done. I am, therefore, a bit concerned about the proposal in the Bill.

At the deputation which the Minister received, the ex-Boulder councillors suggested that they would like to see wards established. The Minister said that he had no authority to divide the area into wards but this could be done later on. I feel sure that the local authority elected to that area would be prepared to establish wards in its area as long as it was fair and equitable to do so.

I do not think it would agree, however, to there being disproportionate representation for a small minority of people. According to the letter that was put in by the lawyer, Mr. Tom Hartrey—and this was not contradicted in the Press—there were to be six representatives of the pastoral and mining industries. These industries are small in relation to numbers of ratepayers, and also in connection with the rates they pay.

The proposal that came forward was rather an outstanding one, but one can see of course, that it was designed to give control to the previous representatives of the Kalgoorlie Shire Council. The people reacted against that very strongly indeed. They do not like that sort of thing.

I hope that before this Bill is passed the request which has been made by members on this side of the House will be taken into consideration; perhaps this part of the Bill could be held over until the autumn sitting of this session, early next year. I have every confidence in the Minister for Local Government, and I am of the opinion that he exercises his powers very fairly; but I say that the provision in clause 4 to give the Minister absolute power to do something, in complete disregard of the wishes of the people concerned, should not be agreed to.

I shall not touch on any other part of the Bill, because the previous speakers in the debate have covered the other provisions very well. I have dealt only with the one provision which is so important to Boulder and Kalgoorlie.

MR. T. D. EVANS (Kalgoorlie) [8.41 p.m.]: I join with my colleagues—the member for Belmont, the member for Ascot, and the member for Boulder-Dundas—in expressing some misgivings in regard to the consequences of the provision in clause 4, which seeks to amend section 12 of the Act. This section contains the provisions governing the creation of wards in local authority districts.

I join with those members in lodging a strong protest against the hasty introduction of a provision, which might be termed as a revolutionary method of foisting a ward system upon local authorities, whether or not the ratepayers constituting the local authorities concerned want such a system.

Mr. Nalder: That is a bit exaggerated.

Mr. T. D. EVANS: I am not passing judgment on the type of ward system which the Minister for Local Government—whoever he might be at the time—introduces. One would have to be on the spot at the time to be able to analyse and say whether the system was equitable. The system which is introduced may be a good one, or it may be a bad one. However, we should wait to hear what the local authorities, which are most likely to be affected by this provision, have to say after they have been given time to consider the consequences of the provision in this legislation.

This Bill was introduced only a week ago. As other members have pointed out, the impact of the measure has hardly been considered by the local authorities concerned. An appeal has been made to the Minister in charge of the Bill in this

House to pass on to his colleague in another place the request of the members who have spoken in the debate for consideration to be given to holding over the Bill until the autumn sitting of this session, so that more mature consideration, in the light of the advice from the local authorities concerned, can be given to the provision in clause 4.

However, if it is desired that the other provisions in the Bill should be agreed to on this occasion, then I would ask the Minister to arrange with the Minister in another place for clause 4 to be deleted. If it is considered subsequently that the amendment in clause 4 should be made, and if the local authorities are given sufficient time to consider the ward system, then the amendment could be included in the next Bill to amend the Local Government Act.

The Minister has a course of action either to withhold the Bill until the autumn sitting, or, if it is considered that the other provisions in the Bill are required to be made law, to delete clause 4; so that if it is found subsequently that the provision in clause 4 is necessary, then it can be included in the next amendment to the Local Government Act. I have no other observations to make, but I hope that in relation to clause 4 the Government will hasten slowly.

MR. NALDER (Katanning—Minister for Agriculture) [8.45 p.m.]: I thank members for the manner in which they have debated this amending Bill, and for the points they have raised. The fact is that I am the Minister representing the Minister for Local Government. The comments which have been made by speakers on the opposite side of the House indicate their concern with the provision in clause 4 of the Bill. I appreciate the outline and the comprehensive coverage of the situation that developed in Kalgoorlie, given by the member for Boulder-Dundas. When the Boulder Town Council went out of existence the Kalgoorlie Town Council took over. I am sure that members generally were interested to learn of what took place in Kalgoorlie as a result of the decision to amalgamate the two local authorities.

I have referred to the concern of the Minister for Local Government as to what is likely to develop in the outer metropolitan areas. We do not wish to see a situation, similar to the one in Kalgoorlie, arising. As the member for Boulder-Dundas said, there was quite a lot of opposition in Kalgoorlie.

Mr. Moir: There was quite a lot of bitterness.

Mr. NALDER: We should not encourage that sort of thing in local government. What we must attempt to do is to have

all the parties in local government moving along collectively, in co-operation with each other.

Mr. Moir: In the main they do a very good job.

Mr. NALDER: The Minister for Local Government has no desire to bulldoze this legislation through Parliament. The members opposite who have spoken in the debate should appreciate the fact that the Minister wants to have the power to handle a situation which has arisen close at hand. I would urge that this Bill be passed in its present form for the time being. Instead of deleting clause 4 from the Bill, as suggested by members opposite, we should retain it. If it is found subsequently that the provision in clause 4 does not work as is intended, then when the next amendments to the Local Government Act are made it can be deleted.

I would point out that invariably a Bill to amend the Local Government Act is introduced each session; and in the present session five amending Bills have been introduced. I would appeal to members to agree to retain clause 4 for the time being, because the Minister for Local Government could be faced with a set of circumstances, similar to what occurred in Kalgoorlie. This state of affairs should not be perpetuated, and the Minister should be given the required authority to make a determination. From what has been said by members opposite, it is clear that they are satisfied with the action that has been taken by the Minister for Local Government. For those reasons I would ask them to allow the provision in clause 4 to become law, so that the Minister will be able to handle the situation which is likely to arise.

I give an undertaking that I will have the fullest consultation with the Minister for Local Government on the points that have been raised. I am sure that he will give every consideration to them when the Bill is dealt with in another place.

Another important point which has been raised in this debate relates to the regulations governing swimming pools. I have already mentioned that an honourable member in another place moved for some action to be taken in this regard, and the Minister indicated he would include in a Bill which he intended to introduce a clause to deal with the situation. He has done this and I do not think anyone in this House or in another place would want to delay the passing of that particular clause. If this legislation includes a provision to help save the lives of children involved in accidents in swimming pools we should be quick to pass it. Even if it saves the life of only one child, I feel, and so does the Minister in another place, that this legislation should be passed.

The clause dealing with the driver of a loaded vehicle is another very important one. Every member who travels, whether

in the metropolitan area or anywhere else, must be alarmed at the way loads are insecurely fastened, and any action which can be taken to ensure the safety of the travelling public should be implemented and policed. Time and time again on the road to Kalgoorlie, trucks with unsafe loads can be seen, and I believe the responsibility should be on the driver at least to inspect his load from time to time. On a trip a few days ago I noticed a vehicle with a tremendous load which was bulging on one side. The driver of that truck would have been very lucky to arrive in Perth with the load still secure.

With the increased use of road transport in this State this situation should be well and truly watched because it is not usually the driver of the truck who suffers when his load becomes dislodged. It is the innocent driver of another vehicle.

Mr. Moir: That is so.

Mr. NALDER: Even a pedestrian is likely to be involved. Therefore I believe we should hasten to pass this legislation if it will make the roads safer for the travelling public.

The points raised by the member for Belmont concerning the voting system and the remuneration of the deputy returning officer I will convey to the Minister, and I promise that consideration will be given to them when the Bill is in another place.

The only other point which has been mentioned and considered by members concerns councillors sitting on committees. This provision is designed merely to clear up a point which was not made clear in previous amendments. Again, I think this is a very sensible and sane approach to the situation. Once more I thank members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 12 amended—

Mr. JAMIESON: As it appears there is urgent necessity for the Governor to have some power in connection with ward boundaries, particularly as an impending amalgamation looks as if it could be difficult, perhaps this clause should remain. However, I would like the Minister to assure us that if we allow this clause to pass, further consideration will be given to the re-enactment of the section so that it will include specific safeguards for those authorities which now are not using a ward system, which never have done, and which have got on reasonably well

without it. The Minister will have realised, from the remarks made by members representing the goldfields, that there is a doubt concerning whether this provision could be used at a later stage to cause some disruption which was never intended.

If the Minister can give an assurance that he will convey our thoughts to his ministerial colleague, and that some protection will be written into the Act, then this would overcome a good deal of my objection.

Mr. NALDER: I appreciate the willingness of the member for Belmont to accept what I have outlined. I am sure that the Minister requires this authority to deal only with the situation to which I have referred and any similar situations. He does not intend to interfere with a local authority provided the situation is satisfactory. As I mentioned during the second reading debate, I will pass on the comments to the Minister concerned and if, with the assistance of his advisers, he can include a provision which will cover the point raised by the honourable member, I am sure he will do so. If it is not possible to do this while the Bill is in another place because further consideration must be given to the matter, then I can assure members that the matter will be considered and, if necessary, amending legislation will be introduced at a later date.

Clause put and passed.

Clause 5: Section 111 amended—

Mr. JAMIESON: When speaking to this provision during the second reading debate I missed one point. A returning officer is required to give a reason for the rejection of an application for an absent vote. This matter will be dealt with more specifically under the next clause, so I will raise it again at that stage.

Clause put and passed.

Clause 6: Section 112 amended—

Mr. JAMIESON: Again on the aspect I have just mentioned, I draw the Minister's attention to the provision in one amendment whereby notice will be posted to the applicant. There is no such instruction in the amendment which now requires the officer to give a reason for rejection. I think he should be required to post the reason for objection to the applicant, and not just give him a reason for rejection in writing.

Mr. NALDER: All I can do is indicate to the Committee, as I have stated previously, that I will draw the Minister's attention to this point and if action is necessary it will be taken in another place.

Clause put and passed.

Clauses 7 and 8 put and passed..

Clause 9: Section 117 amended—

Mr. JAMIESON: I again draw attention to the fact that if more than the correct number of ballot papers are returned, then

the papers will be replaced in the envelope and set aside. If that situation is to apply then I think a similar provision should apply when a smaller number of ballot papers than those issued is returned. No doubt, under the present provision the smaller number will be accepted.

I think the whole situation should be examined, and section 117 of the Act would probably need to be recast so that it would apply to the smaller number as well as to the greater number.

Mr. NALDER: The points made by the honourable member will be considered and passed on to the Minister.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Division 18A added—

Mr. JAMIESON: This clause deals with the setting up of an appeal body to advise the Minister. I really think there should be a very clear indication as to who those people will be. Usually, we get ample indication in legislation as to who the persons shall be. We need to know more about such an appeal board before we grant approval in the form of legislation.

Apparently the Minister has the power to select anybody. This procedure is not normal. No doubt the Minister would get experts who could advise him fully on the requirements, but the legislation should be more specific.

Mr. NALDER: I am of the opinion that the Minister would appoint responsible people who would carry out his wishes. They would have to accept responsibilities which the Minister had heretofore carried, and they would have to convince the Minister that they were capable of carrying out duties relating to appeals.

I think the Minister is entitled to choose the people concerned, and it is quite fair and reasonable that we should allow him to appoint responsible people to carry out his wishes. If the system does not work then we can nominate those people who would have to be representative of some organisation, such as the building industry.

Mr. Jamieson: Does this provision meet with the approval of the local government organisations?

Mr. NALDER: I could not answer that particular question.

Clause put and passed.

Clauses 15 to 17 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 Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed from the 30th October.

MR. TONKIN (Melville—Leader of the Opposition) [9.11 p.m.]: This is a very small Bill to effect two important amendments. According to one's point of view, perhaps one is not so important. There is a school of thought which believes that one of the amendments is not necessary at all, and I must admit that I belong to that school of thought.

However, I do not know that any harm will be done by passing the amendments, with one exception: I do not think it is right that Parliament should make provision in the law to enable a member of Parliament to be absent from Parliament for a year. The session is now in two parts whereas, previously, it was in one. This amendment will provide that a member of Parliament may be absent for two entire periods of the session, which means he may be absent for a full year.

It seems to me that some other method should have been found to overcome this difficulty if, indeed, a difficulty exists. How on earth can a member of Parliament be expected to be in attendance if Parliament is closed? In order to ensure that a member of Parliament is in attendance when he is required to be, it is necessary to show that it is possible for him to be in attendance. Surely one cannot be penalised for doing something that it is not possible for one to do!

It is argued that because there are now two periods in the session, and Parliament is in recess for a term exceeding two months, that one or all members may be obliged to forfeit their seats unless this amendment to the law is made. I just cannot see that at all. If Parliament is closed between the two parts of the session, how on earth can a member be penalised if he does not come along to Parliament at some time during the period when it is closed? I think we have to assume that the law would be applied in a common-sense way and that a member could be penalised only if it were shown that during the period that Parliament was open and it was possible for him to be in attendance he failed to be in attendance without leave of absence being properly granted to him.

Apparently the legal eagles have advised the Government that the Act requires to be altered in order to safeguard the position. I am prepared to go along with that, except I do not like the idea that, in making this alteration, we are making it possible for a member to absent himself with the approval of the House for a full year when all that is required is that we should overcome the gap which occurs through the session being conducted in

two parts. Surely somebody could have devised a simpler and more satisfactory method of dealing with that situation, if it requires to be dealt with at all, and I have yet to be convinced that it does.

The other amendment to be effected by this Bill is to increase the salary of His Excellency. I think it is appropriate that I should say at this stage that the Labor Party, which I have the honour and privilege to lead, believes in the abolition of the position of State Governor. We do not think it is necessary at all but consider that, if it is requisite for the Throne to be represented in Australia, the Governor-General could do it on behalf of all States. Consequently we believe the position ought to be abolished. If that cannot be effected, we believe the position ought to be filled by the appointment of an Australian citizen until such time as the stage is reached where the office is abolished. There have been several instances, both with regard to State Governors and Governors-General, where appointments of Australian citizens have been made and, of course, the latest example is the appointment of Sir Paul Hasluck as Governor-General. This has been done several times in the Federal sphere and the Opposition believes that, whilst the office remains, such an appointment ought to be made.

In stating that policy, I am in no way critical of the present incumbent of the office in Western Australia. Sir Douglas fulfils his responsibilities admirably. I merely state it as policy. The Opposition believes there is no necessity at all for the office, but whilst it remains it would be better for the position to be filled by an Australian citizen.

When the Premier indicated that one of the purposes of the Bill was to increase the salary of His Excellency from \$14,500 to \$17,000 per annum he said that it is usual to make such increases in the Governor's salary shortly after increases have been made to the salaries of members of Parliament, but that, in this instance, the move had not been made quite so quickly following upon increases granted to members of Parliament. The Premier indicated that the situation throughout Australia had been examined and, on his existing salary, His Excellency is being underpaid compared with Governors in other States. I have checked the figures which the Premier gave and I find that what he said is quite correct. Consequently, we on this side of the House have no desire to see a situation where the Governor is in an inferior position to Governors elsewhere.

The Premier pointed out that South Australia, because the Government there lacks a constitutional majority, has not been able to give effect to its wishes to increase the Governor's salary; but it has achieved the result it desires by means of

making available certain allowances. I suppose the method by which it is done does not matter a great deal to the person who receives the money, so long as he receives it. He is not going to argue the point about how it is provided so long as he gets it. Therefore, assuming that the South Australian position is satisfactory to the Governor there and it measures up rather well to the Australian average, then we see no reason why the addition should not be made in this State and, therefore, we propose to support the Bill.

Having regard to increases made a few months ago to the salaries of the judges in this State when we increased the salary of the Chief Justice to \$18,000 and the salary of the Senior Puisne Judge to \$16,500, and puisne judges to \$16,000, the present proposal is not an unreasonable one.

Certain other alterations are made with regard to the payment of expenses when the Governor is on tour with his wife and other members of his entourage. We have no objection to those alterations. We think it is desirable that such tours be made throughout the State in order that His Excellency may familiarise himself with what is going on and that he should not be required to go alone, and that if he takes his wife with him he should not have to pay the expenses of her accommodation. So, with the comments I have made, which are really not in opposition to the proposal to increase His Excellency's salary, I indicate that we are prepared to support the Bill.

MR. JAMIESON (Belmont) [9.24 p.m.]: I well recall that at about this time last year—to describe which period of which session it was would be too confusing for me—when we were about to close I raised the issue of the necessity to obtain leave of absence for members. The only thing I can see that prevented the Government from carrying on without amending the Act was that the Government did not set a date for the resumption of that session of Parliament.

On this occasion I understand that the Premier has set a date and, of course, there will be no problem because the House will adjourn until a certain date. As a consequence no member could be found guilty of being absent from the House when it was not sitting; and, in any case, if the House is adjourned to a date to be fixed at various times by the Speaker, I doubt very much whether it could be construed that we were absent in any way, owing to the fact that we do this so often. For ages now we have adjourned until a date to be fixed by the Speaker.

However, this proposal is a rather unusual departure, because I have looked quickly through the Constitution Acts of

the various States and, indeed, the Commonwealth Constitution, and I have found each one refers to two months. So it looks as though this is to be quite a departure from the normal practice. We have yet to see whether it is desirable, and whether somebody at some stage might make use of it to his own well-being and to the detriment of his electorate. However we will probably be able to deal with that situation when we come to it, and we can decide then whether something can be done about it.

As my leader said regarding the other aspect concerning the Governor's salary, one cannot argue much about salaries these days. If we have to have the office of Governor—and we doubt very much whether we do—then once we have it we have to pay for it. The Governor has to live in the environment in which we place him.

Mr. Davies: Do you think a work value study on Governors was carried out?

Mr. JAMIESON: I do not know whether that was done. One point I would like to make is that under the Commonwealth Constitution it is very clear that the incumbent of the position of Governor-General cannot have his salary increased while he holds that position. I think in future we should make a point of appointing a Governor on a salary that the Legislature has established for a certain term. If, at the end of that term we need to take some action the Governor may be on leave or absent, as he usually is for some months, and there would be a hiatus in his term in which we could deal with an amendment to the Act to give him a further increase in salary.

I can see why the framers of the Federal Constitution avoided the issue and inserted the specific requirement that the salary could not be altered. It was copied from the American Constitution, because the President of the United States cannot have his salary altered whilst he is in office. Members will recall that just before Mr. Nixon came into office a rather large increase was made to the salary of the holder of the office of President, because it had not been increased for a long time.

However, the main reason for this is, no doubt, that the Governor is the final person to put a signature on the approval, so it becomes somewhat of a peculiar position—I was going to say “embarrassing” but, of course, for one to sign one's own increase is not necessarily embarrassing. We have been accused so often of doing it that we should be immune. However I do not think a person should be placed in the position of being obliged to approve an increase in his emolument. No doubt the framers of the Federal Constitution and the American Constitution

foresaw this problem and obviated it by ensuring that no change in salary took place while an incumbent was in office.

This would probably be a good method for us to adopt in future. If amendments are made before a Governor is appointed, he knows the salary he will receive, and he knows how long it will be before there is any possible increase. At the time the Governor is reappointed, or before the next Governor is appointed, the Legislature could adjust the salary to one more equitable for the time being.

We are not too set on the idea of even having a Governor; but while we have him we have to keep him at a status that is fitting and becoming to his position in comparison with the position in other States and in comparison with the sphere in life in which he treads in this State; and by all means in comparison with the judiciary with which he obviously has to be closely associated in the approval of laws on behalf of Her Majesty. So to that end we need to keep him fairly well endowed even though we probably could be well served by having the Chief Justice sign and approve of legislation as Administrator in addition to holding his own office.

SIR DAVID BRAND (Greenough—Premier) [9.30 p.m.]: I thank the Leader of the Opposition and the member for Belmont for the contributions they have made to the debate on the simple amendments—as they have been referred to this evening by the Leader of the Opposition—in this Bill. Might I say that the amendment which refers to safeguarding the position of members in the event of their being absent from the House for over two months is one which has been a point discussed by you, Sir, and others. For my part, I simply asked the Minister for Justice for a recommendation on what was necessary to safeguard the position.

If it were not necessary, it did not seem to me that we should bring any amendments here, because I think the majority of us feel that we have too many amendments brought forward and too many unnecessary laws. Therefore, I would be very unhappy to think we had made another unnecessary law. Nevertheless, whilst there is a doubt in anybody's mind, it seemed to be wise to have a safeguard and this was the safeguard recommended by the people who advise us on legal matters.

It would seem that should any member wish to take advantage of the position by being absent for one whole session, this, in its turn, would quickly bring about a demand for amendment to the law. Therefore, on the best advice we could get, by introducing an amendment to the Act we are simply making sure.

As has already been stated, the Governor's salary is one that we have arrived at after consideration and it has been

adjusted upwards to meet the increased cost of living. I agree that whilst we have State Governors or a Governor-General, they should be paid appropriately in order that they might maintain a standard and a status that people expect them to maintain, and so enable people to look up to them as a symbol and, as in our case, a representative of the Crown.

Centralisation is one of the platforms of the Labor Party, therefore it goes without saying that the office of State Governor is not one which it would support. So long as we remain under a system of monarchy, it would seem that more people recognise the central figure of the Governor-General as being the representative of our Monarch. The Leader of the Opposition has stated that his party supports the appointment of an Australian to the position of Governor in this State. I think general opinion supports the trend that, in the future, Governors-General and State Governors might well be Australians without casting any reflection on any quality which may be considered to be possessed by a person who is appointed from some other British dominion.

My belief is that whilst we continue to maintain the office we should obtain the best person possible to fill it, because it is regarded as an extremely important position. I would say, too, that it is quite likely that in the future the State will appoint an Australian Governor as was done in South Australia, New South Wales, and Queensland. An Australian, of course, has already held the office of Governor in this State.

Therefore, I am sure that when a Governor is being selected to follow in the footsteps of Sir Douglas Kendrew, it can be expected that a look will be taken around Australia for a suitable person to fill the position, but if one cannot be found, a search will be made elsewhere. I support the second reading.

THE SPEAKER: Before I put the question, there is some doubt in my mind as to whether this is a Bill that requires an absolute majority. In view of that doubt I feel it is safe that I should certify that it requires an absolute majority. As members know, the first principle is to ascertain whether there is a dissentient voice. If there is one dissentient voice, I cannot allow the question to be carried by a constitutional majority.

Question put.

THE SPEAKER: I have counted the House and there are more than 26 members present; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Sir David Brand (Premier) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 38—

Mr. JAMIESON: I merely wish to point out that now we have amended the Constitution Acts Amendment Act, a train of events usually follows. Standing Order 55 needs to be amended immediately, because it is tied up, chapter and verse, with section 38 of the Constitution Acts Amendment Act. We now have a Standing Order at variance with a proposal continued in the Act, because it reads as follows:—

If any member of the Legislative Council or Legislative Assembly, after his election—

- (5) Fails to give his attendance in the Legislative Council or in the Legislative Assembly, as the case may be, for two consecutive months of any session thereof without the permission of the said Council or Assembly, as the case may be, entered upon its journals; . . . his seat shall thereupon become vacant:

In the marginal notes, of course, there is a reference to the fact that this is the provision in the Constitution Act.

I draw the attention of the Committee to this, because I think once we amend the Constitution Acts Amendment Act we must quickly amend the other to make sure the position is covered. When one reads the Standing Orders one should not get a false impression of what is contained in the Constitution Acts Amendment Act, and I therefore hope the Premier will see that the appropriate committee takes action to amend the Standing Orders before very long.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

SIR DAVID BRAND (Greenough—Premier) [9.37 p.m.]: I move—

That the Bill be now read a third time.

The SPEAKER: Once again there must be a constitutional majority.

Question put.

The SPEAKER: I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

Bill read a third time and transmitted to the Council.

STATE HOUSING ACT AMENDMENT BILL (No. 2)

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows:—

No. 1.

Clause 4, page 2, line 15—Delete the words "permanent building societies" and substitute the words "approved lending institutions".

No. 2.

Clause 4, page 2, line 19—Delete the words "permanent building societies" and substitute the words "approved lending institutions".

No. 3.

Clause 4, page 2, lines 23 and 24—Delete the words "permanent building societies" and substitute the words "approved lending institutions".

No. 4.

Clause 4, page 2, line 31—Insert the following passage:—

"approved lending institution" means an institution, body or person that is approved in writing by the Minister for the purposes of this section;

No. 5.

Clause 4, page 2, lines 35 to 39—Delete the interpretation " 'permanent building society' ".

Mr. O'NEIL: I seek your direction at this point, Mr. Chairman. The schedule of amendments, which number five in all, and which appear on the notice paper, are designed to delete from the Bill, as it left this Chamber, the words "permanent building societies" and to substitute the words "approved lending institutions." Can I deal with the five amendments as a whole, or do I have to move them one by one?

The CHAIRMAN: As all the five amendments are consequential one upon the other, I propose to put them all together.

Mr. O'NEIL: Thank you, Mr. Chairman. I move—

That the amendments made by the Council be agreed to.

You will recall, Sir, that this Chamber, and yourself as member for Narrogin, requested I give consideration to extending the facilities contained in the Bill in respect of the subsidised interest scheme to terminating building societies instead of confining them to permanent societies.

The Deputy Leader of the Opposition suggested we widen it further and use the term "approved lending institutions." I had no objection to the proposal and undertook to discuss it with the officers

of my department to see if there would be any complications in extending the scope of the Bill in this manner. It was found quite satisfactory and I therefore have no hesitation in recommending that we agree to the Council's amendments.

Point of Order

Mr. TONKIN: The position is as stated by the Minister and we approve of the alteration to the Bill. But the question that arises in my mind is that this is a proposal for a subsidy to be granted by a Government instrumentality and this will cost the State money. The extension to approved lending institutions will mean much more than the sum mentioned by the Minister when introducing the Bill.

My understanding of the Constitution is that it is not within the competence of another place to amend a money Bill; that all it can do if it so desires is to request this committee to give consideration to such amendments. But it seems to me that the Legislative Council has gone ahead and made the amendments now before us. Accordingly I raise the point as to whether it is competent for the Legislative Council to do this and if you, Sir, rule that it is not then the situation must be regularised in order that we do not contravene the Constitution.

Chairman's Ruling

The CHAIRMAN: The Leader of the Opposition has raised a query in regard to the amendments from the Legislative Council. It appears to me that there is nothing whatever wrong with the amendments as they stand.

Section 46(3) of the Constitution Acts Amendment Act states—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

In my opinion these amendments merely extend the area in which a given amount of money shall be distributed and, accordingly, there is no connection whatever with the fact that the amount is likely to be increased. It simply means that the principle is extended from a permanent building society to a terminating building society and any other institution. It does not in itself mean an extension of the amount that would be involved. I rule that these are not amendments which increase the burden on the people.

Dissent from Chairman's Ruling

Mr. TONKIN: I regret that I cannot accept your explanation, Mr. Chairman and I must therefore object to it even though I am in favour of the proposed amendments. The Council's amendments will inevitably mean that the State Housing Commission will have to find more money to provide this subsidy than would otherwise be the case. I ask the Minister

whether that is not so, because the Bill as originally introduced was restricted to building societies and you, Sir, yourself said you would like more societies made eligible to receive the subsidy.

It is not much good making these societies eligible to receive the subsidy unless it is proposed to give it to them. So if the subsidy is to be given to bodies other than building societies it must mean that more money has to be found for the purpose.

When we extend this principle to all lending institutions applications will be made to the Government for this subsidy and it could very well be that the number of applications will be double or treble what they might have been. I cannot accept that in opening the field for applications for money there will be no greater cost to the Crown.

Mr. Bovell: Is not the same amount of money involved?

Mr. TONKIN: The Bill does not put a limit on the amount of money involved, but if the field of applicants is enlarged it is inevitable that the Government will have to contemplate finding more money for the purpose. So I suggest the only way this desirable result can be achieved is for another place to request that we make the amendments here. In making the amendments, I assert the Legislative Council has contravened the Constitution; it has endeavoured to exercise a power that it does not possess. I am not prepared to concede that power to the Legislative Council on this point.

The CHAIRMAN: Are you objecting to my ruling?

Mr. TONKIN: Yes, I am objecting to your ruling.

The CHAIRMAN: I must have your objection, together with the reasons, in writing.

Mr. TONKIN: I can soon take care of that.

The CHAIRMAN: I will report to the House.

The Speaker (Mr. Guthrie) resumed the Chair.

The CHAIRMAN: Mr. Speaker, I have to report that during the sitting of the Committee the Leader of the Opposition objected to my ruling that another place had not contravened the Constitution in making the amendments.

The reason of the Leader of the Opposition is as follows:—

Another place has not the authority to amend a money Bill.

The amendment made imposes an extra burden upon the Crown by extending the scope from which applications for the subsidy may be made.

Speaker's Ruling

The SPEAKER: The objection of the Leader of the Opposition to the Chairman's ruling presumably is made under section 46 of the Constitution Acts Amendment Act, 1899. As I understand the position this Bill was introduced in this Chamber with a Message from the Governor. I have been assured by the Clerk that that is correct. Therefore the only objection that can be taken is under section 46 (3) which states that the Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

I was given some warning that this point might arise, and I have given some thought to it. In the Bill it is proposed that a new section, section 60B, be inserted in the principal Act, the State Housing Act, to provide for additional assistance by the State Housing Commission, and whatever amount of money is made available by the Government under the proposed section 60B will be exactly the same whether the amendment is agreed to or not. I imagine there is nothing in the measure to say that the amount will be any different. It will be the same whether it is to be spread among the permanent building societies or the approved lending institutions.

In any event, quite apart from that consideration, the moneys come from the funds of the State Housing Commission which is a body corporate and which has its own funds. There is no suggestion in the measure that any moneys are to be provided from Consolidated Revenue at all; and moneys would have to be provided from Consolidated Revenue to impose a greater burden on the people as is required by subsection (3) of section 46 of the Constitution Acts Amendment Act. I therefore uphold the decision of the Chairman of Committees. In my opinion it would be competent for the Legislative Council to make the amendments it has made.

Having disposed of that point, I do want to make some general observations on section 46 of the Constitution Acts Amendment Act in case it may be said at some future time that I have now, twice, listened to objections in this Chamber under section 46. I wish to make it very clear that I have very grave doubts, notwithstanding the procedure of this House over 79 years in entertaining these objections, whether, in fact, they were correctly based. This is a very different situation from the situation which arises in the House of Commons.

I think it is important that people who deal with these questions—whether they be in Parliament, outside Parliament, or in the Crown Law Department, in giving advice to the Government—should clearly understand the different historic derivations of the provisions in the Standing Orders of the House of Commons, and the requirements of our Constitution Act. For that reason it is very dangerous, in my opinion,

to follow slavishly the references in *May's Parliamentary Practices*, because it only reports the various rulings of the Speakers of the House of Commons dealing with a Standing Order—I emphasise "a Standing Order"—which that House itself passed for its own guidance. Very obviously a House that passes a Standing Order can alter it, modify it, suspend it, or do whatever it likes with it.

In this State we have a provision in a Constitution Act, which is a condition laid down by the Imperial Government when it conferred responsible Government on this State and set up a bicameral system of Parliament. It also must be remembered that there were some historic reasons for inserting these provisions into our Constitution Act. One need only remember back to the days in Victoria during the Premiership of Sir Graham Berry to know the difficulties he ran into in respect of problems between the Upper House and the Lower House; and consequently these provisions were inserted in the Constitution Act.

I am aware of the fact that a previous Solicitor-General of this State has also expressed the opinion that no matter what decision is given by the presiding officer, these measures might be questioned in the courts; and because of that advice this Parliament in, I think, 1950 inserted subsection (9) into section 46 of the Constitution Act, which, in my view, makes it rather stronger that these measures can be questioned in the courts.

To me it seems rather ridiculous that, if these measures can be questioned in the courts, the presiding officer should be asked to make any decision, or that the House should have the power to disagree with his ruling. He should not be required to give a ruling, and then there would be no power to disagree with his ruling if it is purely a constitutional question.

I would remind members that on a question arising as to the powers of the State and of the powers of the Commonwealth to legislate, successive presiding officers have always ruled that this is not a problem which faces them at all; and that it is a matter for the courts. I wonder whether a similar situation does not arise under section 46 of the Constitution Act. Nevertheless, for the time being I propose to follow the practice of my predecessors and deal with these objections as they arise. It naturally follows that I will accept motions to disagree with my rulings, although I have doubts on that procedure, because the ruling is not an interpretation of Standing Orders, and the power to disagree with my rulings is contained in the Standing Orders.

What I intend to do once this session is concluded is to indulge in considerable research on this subject. I have it in mind to prepare a paper which I intend to

place on the agenda of the meeting of the Australian Presiding Officers of Parliament which is to be held some time in 1970 so as to have the advantage of a debate at a meeting which will be attended by all the presiding officers. I hope that I may gain more knowledge from such a debate on this matter. If I come to the conclusion, after that research and debate, that the practice followed in this State is wrong, I will say so; but if I come to the conclusion that it is right then I will also say so. I give that warning so that nobody will be able to quote it against me that I have accepted this sort of objection.

Committee Resumed

The CHAIRMAN: The Minister has moved that the amendments made by the Council be agreed to.

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

Report

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

BUSH FIRES ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The amendment made by the Council was as follows:—

Clause 8, page 7—Delete the passage commencing with the passage "that," in line 10, to and including the word "damage" in line 18, and substitute the following—

"that—

- (a) in respect of any one bush fire, exceeds—
 - (i) two thousand dollars for any one appliance or item of equipment or apparatus; or
 - (ii) four thousand dollars to any one person or partnership; or
- (b) in any one insurance year, exceeds a total amount of ten thousand dollars to any one person or partnership for all loss or damage".

Mr. BOVELL: The intention of this measure was to establish minimum benefits for injury to fire fighters and loss of or damage to equipment, in accordance with the standard bushfires insurance policy usually taken out by local authorities. The intention was not to limit the payments in any one year, but to any one fire. To remove all doubt, this amendment has been submitted. The total which

may be paid in any one insurance year is \$10,000. The amendment is in accordance with the provisions of the existing insurance policy and I think members will see the necessity for it. I therefore move—

That the amendment made by the Council be agreed to.

Mr. BRADY: I have had a look at this amendment, and, as the Minister stated, the Bill does not make it clear that the insurance is to relate to individual fires. The amendment will mean that, in respect of any one bushfire, a shire council will be obliged to take out insurance up to \$2,000 for any one appliance, and \$4,000 for any one person or partnership. The clause in the Bill covers any one insurance year, but this amendment will mean that it will cover any one bushfire. I believe this is an improvement, and I support the Minister.

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

Report

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

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd October.

MR. JAMIESON (Belmont) [10.5 p.m.]: This Bill is mainly designed to extend protection to various kinds of animals described as wild animals, as well as to native animals. It is no doubt desirable that exotic animals, birds, and such like, which are released from time to time for a specific purpose, be given some protection.

I understand that some years ago a number of red deer existed in the areas near Pinjarra, and closer to the coast between the estuary and the South Western Highway. However, reports of their existence these days are few and far between. One has only to stop at the local hotel in Pinjarra to see a staghead. The animal concerned was the victim of a rifle when it strayed into a pasture in which a number of cattle were grazing. Some years ago the Scotch red deer were not uncommon and were often to be seen intermingling with the herds of cattle in that particular area. It is a great pity these beasts, which seem to thrive reasonably well in that locality, were not allowed to live there. No doubt most of them fell victims to the guns of the various hunters who sought them out for the sake of their antlers. I do not think the skins or flesh were used very much, but the antlers were prized as trophies.

Many other types of fauna have been released from time to time with the intention that they be available for sport-ing shoots. This, no doubt, applied to the

Mongolian pheasant, and quail, on Rott-nest Island. It was thought that that island would develop into quite a hunter's mecca, but although some of those birds are still to be found on the island, a great number of them has been slaughtered. They nest in the grass and many of them in the chick stage were taken by snakes which were rather happy to obtain a little foreign delicacy. Also many of them fell victims to the fires which have ravaged that island in the past. However, to their credit, and because of their ability to survive under these circumstances, some of them still remain on the island and, indeed, are quite spectacular when flushed up in a flight. The colours of the Mongolian pheasants as they take off, when they are disturbed unexpectedly, are beautiful.

Mr. Bovell: The pheasants there are, indeed, most attractive.

Mr. JAMIESON: It is a good move to include this type of creature among our own wildlife so that it will be protected.

Many of our native animals are fast disappearing. Because of the large number of domestic cats which are breeding wild, it is a wonder that so many of our native animals survive for so long. Many small marsupials fall victims to cats. Some people have thought cats were killing mice or rats, but, on a closer examination, they have found that the culprits responsible for killing the small marsupials have been cats.

How one protects the marsupials from the ravages of these particular felines I would not know, but we certainly need to investigate the possibility of limiting their scope. They kill everything which moves. While a cat is very nice to have around the home it is most vicious in its outlook because it preys upon any small animal which moves. It will kill even though it is not hungry, which is not the case with most other animals which kill only when they need to eat.

It is amazing, but in recent times there have been Press reports—and no doubt they are authentic—that a certain variety of fast-moving wallaby, which formerly abounded in New South Wales, is now being imported from New Zealand where it has been bred in zoos. The wallabies are being placed in specific fauna reserves for sporting purposes. That is one of the rarer types of animal.

Other animals, of course, we still have in plague numbers. I refer to the red kangaroo, and some of the other varieties. In some areas the large blue or grey variety of kangaroo has reached plague proportions. Over the years there has been much conjecture as to the damage caused to pastoral properties by these grazing animals. With the development of the pastoral country the kangaroos are attracted to the more readily available feed on

which they thrive. As a consequence, the farming community and the pastoralists have very little regard for the kangaroos and, indeed, would prefer to see them wiped out. This applies especially to the pastoralists who rely on the native vegetation to feed their cattle and sheep. The prevalence of the kangaroos has caused many people in rural pursuits to encourage professional shooters to operate on their properties. In those cases the shooters take a very high toll of the kangaroo population.

The Minister clearly indicated that hundreds of thousands of dollars are derived each year from the sale of carcase meat, mainly for pet food. However, we have heard reports of kangaroo meat reaching Germany in the form of sausage meat. On another occasion kangaroo meat was found amongst other meat which had been exported to America, and the Americans were very caustic in their comments about this. I think the meat had been exported under the guise of something else, and had probably been bought cheaply by some wholesaler and used for the purpose of making sausage meat, and the like.

We do not look forward to the day when we might have to farm kangaroos specifically for the purpose of providing meat for human consumption although, possibly, worse types of animals could be farmed. I am told by the experts that pound for pound the kangaroo is a better proposition than many other domesticated animals, and it would probably contract fewer diseases and cause fewer problems in rearing. However, we have not reached the stage where we have to encourage the farming of kangaroos.

From the Minister's remarks I gather he expects the royalties to return between \$40,000 and \$80,000 a year on the basis of about 20c per carcase. This would indicate, clearly, the number of kangaroos expected to be disposed of annually. I understand also that the pastoralists are not impressed with the idea of a royalty. As a matter of fact, the reaction of the pastoralists is that the royalty might dissuade people, on whom they normally rely to clear pests from their properties, from continuing to do so. However, according to the margin of profit indicated by the Minister I do not think the royalty payment will detract very much from the practice. Indeed, I imagine that the cost of pet food in the local shops will be increased a little to cover the royalty charge.

There is also a provision in the Bill to allow the opening of a season for the taking of animals such as possums, and other protected species, when they become somewhat of a nuisance. Possums are valued for their pelts and when they reach plague proportions we may have to declare an open season in places like

King's Park. It has become the habit of many people around the metropolitan area to trap possums when they become a nuisance and release them in King's Park.

One has only to look at the various eucalypts in King's Park to know that there are plenty of possums in the area even though one does not see them during the daylight. Not many tender shoots are left on the trees. No doubt the possums are increasing in number in King's Park because they are not subject to the ravages of cats and dogs. They can keep out of harm's way for most of the time. We may find it necessary in the future to clear the park—to some extent—of such animals. This is always a very debatable point: just how far can one go in reducing the number of animals of any particular variety while, at the same time, making certain that they will continue to exist and regain their numbers?

Because of careless estimates on this basis, in many cases animals have ceased to exist. Indeed, we now have no knowledge of some of those animals except from reports compiled early in the history of this State. It is true that periodically we come across a species of animal previously thought to be extinct. It is usually living in more remote regions. Scientific advisers are providing us with more information on habitats and minimum area requirements to allow certain species to continue to exist.

About this time last year a number of parliamentarians visited the research station out from Beverley, and we were impressed with the amount of work being done in the physical research associated with the small wallaby type kangaroo which existed in that particular region.

There is provision in the Bill to appoint more wardens. These are desirable to look after the fauna of the State, and include honorary wardens as well as paid wardens.

In the main, our efforts should be concentrated towards appointing full-time wardens, but of course it is not always possible to have people working in a full-time capacity. However, the part-time or amateur warden is often regarded as a pimp or somebody who should not be doing the job which he is doing. If, on the other hand, a warden is employed in a full-time capacity he knows how to handle people and, doubtless, wardens are selected for their ability to do this. Indeed, full-time wardens are able to watch the situation properly whereas part-time wardens are sometimes apt to be over-zealous and this may cause problems with the public. I think this attitude of over-zealousness is associated with the volunteer or part-time employee of any kind. Therefore I suggest that, wherever pos-

sible, it is preferable to have full-time wardens who are paid for the job they are doing.

The amending Bill provides for the Minister to direct the kind of research which could be conducted. I imagine the Minister would need to be very well advised by his officers before he directed any particular research. However, occasions could arise when certain organisations approach the Minister and ask for specific research to be undertaken into certain species with which they were concerned. Under the new provision, doubtless the Minister would be able to direct such research.

There is one matter which concerns me in connection with royalties on the carcasses of animals. Other animals in a wild state have now been brought within the scope of the legislation. I wonder why the Government did not include an overall provision which would allow it to impose a royalty on the taking of donkey meat, goat meat, and the meat from many other varieties of animals concerning which some research will have to be undertaken and care exercised to ensure that they do not become a pest or, alternatively, are not wiped out completely. Horses, camels, and, possibly in the very north of the State, buffaloes, would be the main animals which could be killed for meat purposes, although mainly the meat would be exported to other countries. I understand that some horses and donkeys on the hoof have already been sent to Asian countries.

Mr. Gayfer: And goats.

Mr. JAMIESON: Yes, goats too. If a royalty is to be imposed on kangaroo meat, surely it should be imposed on other varieties of meat, too.

Some of the provisions which come within the province of various departments are rather stringent. The Minister indicated that certain species of birds would not be released until an examination had been conducted and a complete assessment made as to whether certain varieties would become pests or not. I consider this kind of provision is carried too far in the case of some exotic birds. Also, we must remember that a Government or a semi-Government department has been responsible for the release of some of these birds, either by accident or design. I refer particularly to goldfinches which have been bred, in the main, from birds which originally escaped from the South Perth Zoo. Now we see many flocks of goldfinches around the metropolitan area.

They are highly prized by canary fanciers who like to cross them with canaries to produce a mule bird, which is very pretty. However, people are not permitted by the fauna protection authority to keep these birds. The complaint is that goldfinches are a menace and one

is not allowed to cage them. I do not know what they do, but I notice that flocks of goldfinches seem to be attracted to sunflowers and garden seeds. They do not seem to be the same worry as are sparrows or other finch-like birds in the Eastern States. They are pretty birds, as I have said, and the strict embargo on caging these birds, because they are pests, seems to me to be rather unnecessary.

One provision in the Bill deals with the forfeiture of equipment used in the commission of an offence; that is, taking protected varieties of beasts and other kinds of fauna. Under the legislation, I see that motor vehicles and aeroplanes are exempted from seizure. I do not think this should be the case. If fauna is to be protected properly, and if a motor vehicle or an aeroplane has been used in committing the offence, I consider there should be forfeiture of the equipment used in the same way as there is when a boat is used for the purpose of poaching fish or for other purposes in areas where fish are protected. If the equipment includes a motor vehicle or an aeroplane of any kind, it should be possible to seize it, and there should be no exemption.

In the main, I think the amendments proposed to the Fauna Conservation Act are quite good. I will conclude by mentioning one matter; I do not know how important it is to us, but I consider it should be important. There are a number of marsupials on various islands off the coast of the State. Strangely enough, the varieties seem to vary from island to island. The Minister who is handling the Bill will know something of the matter which I intend to mention; namely, the wallaby on Garden Island. It is a distinct variety and the only similar species is found on Kangaroo Island in South Australia. How nature achieved this nobody quite knows.

Mr. Ross Hutchinson: This is the tammar.

Mr. JAMIESON: It is a tammar variety. However this particular wallaby is quite different from quokkas or any other animal to be found on the neighbouring island of Rottnest, and there are quite a number of them on Garden Island. They are scared easily and it is not easy to tame them. Whilst at the moment there seem to be many on the island my fear is that, unless some attempt is made to conserve them in a section of the island, the variety could become extinct when certain proposals concerning Garden Island are put into effect. I refer to the proposed causeway to the island which will mean that many people will visit the island and, also, movement to the island could be affected by the establishment of a naval depot. I do not know whether all the wallabies in question would race across the causeway to the mainland, but they may do. Of

course, the Commonwealth Government actually owns the island and all the wildlife thereon, but I think it would be advisable for the Government, when negotiating with the Commonwealth, to make representations for some suitable section of the island to be set apart so that this variety of marsupial could continue to exist indefinitely. If this were done, we would do something for posterity.

Far too often we leave such moves until too late, the damage has been done, and we fail to remedy our mistakes without the assistance nature could provide if we had made available suitable environments for such animals to exist in the first place. Experiments have been conducted even by small States such as Tasmania where various types of wildlife have disappeared. Some authorities are not certain whether they have disappeared completely or are still in existence in the more remote parts of that State. In view of Tasmania's experience with its wildlife a large State such as Western Australia could ill afford not to be cognisant of the fact that early in the development of various industrial and agricultural products it is essential to make available as much space as possible.

At the moment we think of development in terms of clearing land and establishing industry, or setting up agricultural projects. If such projects can live in harmony with our fauna all the better, and if we can have open seasons occasionally to keep wildlife sanctuaries within reasonable bounds without supervision, in the ultimate we will succeed in maintaining a fair percentage of these animals for practically all time.

As scientific and protective methods improve, no doubt we will have bigger and better sanctuaries for the preservation of wildlife. The fact that many of these animals could be of scientific value is a distinct possibility. The Minister would know the advances the University research groups have made through the study of the quokka at Rottnest Island, and the possibility of achieving something for the cure of muscular dystrophy, pernicious anaemia, and two or three other diseases that are causing a great deal of concern. Due to the circumstances of their environment, these animals seem to overcome these diseases. Therefore, a study of them would probably lead to an improvement in the medical knowledge of such diseases and their treatment when contracted by human beings.

I also consider that a study of other animals which have peculiar traits could be to our advantage in the medical field. All in all I feel the measure deserves our support. We have to look to the future. If we do not we will leave to posterity very few of our animals. However, with the aid of this legislation, and the exercise

of sensible administration and research, we can look forward to a reasonable number of the various species of our fauna continuing to exist in the State of Western Australia.

MR. MITCHELL (Stirling) [10.34 p.m.]: I wish to make a few comments on the conservation of fauna which I feel may be of advantage to the State and to its people in general. Unfortunately, we do not seem to be able to achieve complete co-operation between the Department of Fisheries and Fauna and local authorities throughout the State. Unless that co-operation is achieved we cannot hope to have a successful plan for the protection of our fauna.

In citing an example of this lack of co-operation between the department and local authorities, I draw the attention of the House to a matter that was mentioned by the Minister the other evening when he was introducing the second reading of the Bill. He referred to the reserve that is set aside for the protection of the noisy scrub bird along the south coast. Initially, when this reserve for the noisy scrub bird was made, the Albany Shire Council expressed some very strong views on the matter, and the Department of Fisheries and Fauna, without any regard to those views, went ahead and established the reserve. Now, two or three years later, we find that the position is quite different. The Department of Fisheries and Fauna has decided it is no longer necessary to reserve that area for the protection of the noisy scrub bird, and again, without reference to the Albany Shire Council, it has decided to permit industry to be established in the reserve previously set aside for the protection of the noisy scrub bird.

This is a very strange situation. At one stage, the Department of Fisheries and Fauna considered it was most important to reserve this area without reference to the Albany Shire Council, or without seeking either its views or the views of other local governing bodies on the matter. It has now reversed its decision and, without reference to the shire, it desires to permit industry to establish itself within the confines of the reserve.

However, that is not the main point of my comments. An important matter, in the eyes of many people, is the question of royalties paid on kangaroo skins, and on kangaroo meat. I feel that we, in Western Australia, are missing out very badly in regard to the value which kangaroos could have as a tourist attraction in this State, and the fact that they could be farmed on the various reserves. This point is mentioned in the Bill. It has been said that the State could expect receipt of royalties to the value of between \$30,000 and \$60,000.

First of all, I want to draw the attention of the House to what I consider could be achieved by making the kangaroo into a

tourist attraction in this State. Only recently I was overseas and I saw thousands of people attending the deer parks in England. In those parks the deer live in natural conditions. I also spent a few days in South Africa. In the wild-life parks of that country many animals are contained in natural conditions and tourists are given every opportunity to see them in such conditions at very close quarters.

In South Africa, one of the sidelines is that tourists can travel in buses in a reserve set aside for lions. The bus in which we were travelling broke down. To the occupants of the bus it looked a very simple matter to get out and walk around the reserve. However, we were strongly advised to remain in the bus until a tractor was obtained to tow the bus out of the reserve, because it was considered to be unsafe for anyone to walk around without protection.

In Western Australia we have animals which are living in natural conditions, but I do not suppose there are many parks in the south-west of Western Australia where one could take tourists and be certain of seeing kangaroos in their natural state. Therefore, we are missing a great opportunity, because places such as the Stirling National Park, if a portion of it were fenced and feed provided for the kangaroos after being placed in that area, could be turned into a wonderful tourist attraction.

An unfortunate fact is that most of the kangaroos in the south-west portion of Western Australia live on the edges of the reserves and move into cultivated pastures and crops in the vicinity. This occurs on the forest reserves. There are millions of such reserves bounded by pasture which is owned by private landholders, and very often the pasture and crops are eaten out by the kangaroos which move in from the reserves. I know it is not possible for the Forests Department to fence its reserves in order to keep the kangaroos contained within their boundaries, and unfortunately it is not possible for the private landholders adequately to fence their properties to keep the kangaroos out. The kangaroos, of course, are considered to be a great menace because of the damage they do to the fences of private farms.

So, of course, everybody's hand is against them. Provision is made in the Bill in relation to restrictions being placed on the shooting of kangaroos, but when one has hundreds of kangaroos coming onto one's property, eating and destroying many acres of one's crop it is natural that one is tempted to offer some resistance to these animals. Many thousands of kangaroos are being destroyed because of the damage they are doing to the farmlands of the southern areas of Western Australia.

If the Government wishes to collect royalties on these animals I think it should be prepared to do something to encourage them into the forest areas of the State; it should do something to encourage them away from the pasture areas of the farmers. I believe this could be done quite simply.

There are many thousands of acres of forest country which under natural conditions contain suitable feed for kangaroos at some particular time. If the Forests Department planted its forest areas with palatable grasses suitable for kangaroos instead of planting those areas with pine trees, the animals would be encouraged into the forests and would thus be discouraged from entering the properties of farmers, as they are doing at the present time.

I believe we could establish quite a profitable industry and at the same time save these animals from almost certain extinction, as will be the case if they continue to trespass on private property as they are doing at the moment. I feel sure it would be well worth while to experiment with a view to farming these animals under suitable conditions.

I would like to revert for a moment to the question of fencing certain reserves for the purpose of creating a tourist attraction. I have in mind the fencing of quite a sizeable area of the Stirling National Park. There are many thousands of acres in this park which is also inhabited by many thousands of kangaroos at the moment.

The only feed available to these animals is on the properties of the various farmers. The National Parks Board has not seen fit to provide even water points within the area in which the kangaroos should be encouraged to congregate.

If we are going to farm and preserve this wildlife and make some use of it, we must be prepared to spend a little money in an endeavour to keep the animals in an area away from farmers' properties.

Provision is also made in the Bill for the shooting of possums when they become a nuisance. Many years ago the south-west of the State was almost overrun by these animals, but they were then affected by a certain disease which destroyed many thousands of them. From that time on the foxes have been responsible for practically eliminating the possum. This process continued until the poison 1080 was used on rabbits. As it happened this poison was also very effective in eliminating the foxes and the natural consequence was that the possums returned and have become quite a problem in the fruit areas. I believe they will continue to be a problem and it may be necessary to institute some method of trapping these animals to bring them under control.

It is interesting to note that possums are a very serious menace to farms in New Zealand but, of course, there are no foxes in New Zealand and, accordingly, there has been no control of the possum.

I support the Bill. I believe that the conservation of our fauna is most important. I would, however, like those in authority sometimes to pay a little more attention to the wishes and desires of the local authorities throughout the State because, without exception, these local authorities are very keen to assist in the conservation and preservation of our wildlife.

As I said earlier, I am sure we are missing a great opportunity to make more use of the kangaroo as a tourist attraction. I have known people who have been prepared to travel hundreds of miles to view kangaroos in their natural state, and one could not see a finer sight anywhere than a large mob of kangaroos in their natural habitat. If we took advantage of this tourist potential we could earn more money for the State from an animal which at the moment is unfortunately considered a menace by many farmers in the southern part of the State—they consider it a menace to the agricultural progress of their particular areas.

I support the Bill and hope the conservation work will continue.

MR. GAYFER (Avon) [10.47 p.m.]: I have listened to the high principles of fauna conservation laid down by my parliamentary colleagues in their support of this Bill, and I must admit that, to a degree, I agree with their views.

When the Minister introduced the Bill he said that it contained seven main proposals. It is the third proposal to which he referred which is of great interest to me. That provision is to allow for the rationalised control and sale of surplus kangaroos on sanctuaries and the crediting of net proceeds to the Fauna Conservation Trust Fund.

The Minister went on to say that like other animals the kangaroo needed a certain amount of protection and that from time to time certain areas should be set aside to provide sanctuaries and reserves to protect the animals from themselves and he also said it was possible the animals might eat out the feed that happened to be growing in the reserves or sanctuaries or other areas that might be protected.

I listened to the member for Stirling with great interest. The honourable member said that there was no finer sight anywhere than a mob of kangaroos in their natural state.

I will now refer briefly to State Forest No. 13, the Perth-York Highway and the Brookton-Perth Highway. The kangaroos on these sections of road—particularly on the York road—are far from attractive,

particularly when one comes across them at 2 o'clock in the morning. There is no worse sight than to find one's windscreen suddenly full of boomer kangaroo. This is no idle crack; it happens quite frequently. This has been particularly noticed by people who use these roads from time to time. Over the last nine years I have travelled those roads frequently and it has been my experience that the most frequent appearances of these animals has been shortly after sundown, from 12 midnight to 2 o'clock, and shortly before dawn. These are the dangerous times for one to be out on the roads in a motorcar.

The numbers of kangaroos are definitely increasing. I have correspondence in my office from the York Shire Council protesting that more effective drives are not being made by those responsible to exterminate some of the kangaroos in that area. The shire council feels that every effort should be made to prevent the increase in numbers of these animals, particularly to the extent that they increased in previous years.

From a reading of the reports of fatal country motor accidents, we find that some people have said that the vehicles ran out of road; that the causes of the accidents are unknown; that speed could have been the cause; or that some driver had gone to sleep. I challenge the fauna conservation board to prove that in some cases kangaroos have not been the cause of the accident.

On many occasions I and others—I can produce them as witnesses to verify what I am saying—have had to leave the road in order to avoid hitting a kangaroo. One might say that this is a silly course of action to take; and one might equally ask "Why not drive through them?" If one knows how much damage a kangaroo can cause to a motor vehicle one will understand the desire to avoid hitting a kangaroo if it is possible so to do.

On one occasion at the beginning of this year a man and his wife drove separate vehicles from York to Perth. On the journey each of the vehicles struck a kangaroo. That happened on the same day. Surely this is more than a coincidence! The preservation of the blessed kangaroo can be carried too far. In dealing with the question of preservation, human life and the protection of property, as well as the attraction of the kangaroo to tourists who hope to see the kangaroo bounding gaily alongside the road, should be taken into account.

The people in the Dale district of West Beverley, and those in the Talbot area of West York, are becoming more and more alarmed with the prohibition on the shooting of kangaroos. They are not able to protect their crops, their pastures, and their fences from the damage caused by the lovable kargaroo which bounds gaily

along the fence line, pushes over fencing by the chain, and damages acres of crop in frolicking within the environment created by man. Certainly the kangaroo is not interested in frolicking in his own natural environment, but only in the lush pastures created by the farmer in making his living.

I am very concerned that conservation is going too far, and that conservationists have come out with a policy of "Hands off the kangaroo" in certain areas of the State. They seem to regard the kangaroo as sacred. This is carrying conservation too far, to the detriment of the protection of property and the lives of motorists.

The people who are farming in the areas mentioned should be allowed to return to an age-old practice of holding drives in the areas adjacent to their properties to clear out the kangaroos. These drives used to be an annual event, and nobody could see anything wrong with them. They helped to clear out the kangaroos, and to protect the area from the ravages of these animals.

The department should make an inspection of the two roads I have mentioned to see the number of fresh kangaroo carcasses lying on the verges. I very often travel over those roads, and I know the number of carcasses that can be seen. The department should take into consideration the cost of the repairs to the motor vehicles which have hit the kangaroos, and the lucky escape by the drivers of those vehicles.

The Minister has said that there should be some organised control of the kangaroos on the reserves. I sincerely hope that he will consider all aspects of the damage these animals cause, and not consider only one aspect of the matter—the preservation of the kangaroo at all times. I believe that at times they are a menace, and they are becoming an increasing menace as the years go by and as the "Hands off" policy comes into effect.

I support the Bill, but I am very concerned with the increasing number of kangaroos which are cropping up in State Forest No. 13.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [10.56 p.m.]: I am indebted, and I think the House is also indebted, to those who have contributed to the debate on this piece of legislation. It was quite obvious to me that the member for Belmont who spoke first in the debate had considered the provisions of the Bill very closely indeed. I hope he will not mind my saying that I was surprised he showed such a close and apparently intimate knowledge of the subject.

It would seem to me that he had a very sensible approach to the necessity for the conservation of our native fauna. It is

well known to us all how fortunate Australia, and particularly Western Australia, is in having the types of fauna and flora that exist in this country. There is a tremendous diversity in the types of fauna; in particular, these types of fauna are quite unique, and they attract the attention of naturalists from all over the world.

The member for Belmont has referred to the necessity to protect, in particular, the type of wallaby or tamar that exists on Garden Island. As we all know, and as was announced recently, the Commonwealth Government intends to build a causeway from Point Peron to Garden Island. The honourable member says this could make some difference to the conservation of those creatures on the island, because the people would flock across the causeway. When the causeway is built I doubt very much whether there will be an unrestricted right of entry to Garden Island. I do not know this for sure, but I imagine there could well be some sort of restricted entry to what will perhaps be fairly extensive naval facilities. However, I may be presupposing.

In any case, the Commonwealth Government is at the present time in control of Garden Island, and it has taken to heart the necessity to conserve this species of fauna. It has endeavoured as far as possible to ensure their conservation.

The member for Stirling also supported the Bill, and he spoke about the necessity for co-operation between the fauna conservation section of the Department of Fisheries and Fauna and local government. With that I agree; but, of course, it is not always possible to secure co-operation between local government and the Government. I think members will know that certain instances which arose in recent times point to this fact.

Mr. Fletcher: Hear, hear!

Mr. ROSS HUTCHINSON: However, particularly in regard to fauna, differences of opinion exist between the Department of Fisheries and Fauna and local authorities and these, in part, have been referred to by the member for Stirling. I do agree that as far as possible the closest co-operation should exist between these two bodies; but when that co-operation is not forthcoming because of conflicting interests, then the decision must lie with the department, after negotiations have taken place, and therefore, in the long run, the decision will probably lie with the Minister and, if necessary, the Executive.

An interesting point was also raised by the member for Stirling in regard to the creation of special reserves set aside for feeding of kangaroos in order to attract tourists. He said there was a great tourist potential in having special fenced reserves

for this type of fauna which is regarded by overseas visitors as being a good one to view in its natural habitat.

Mr. Jamieson: It might be possible to train them to come out by blowing a horn, similar to the situation which exists at Rottnest.

Mr. ROSS HUTCHINSON: I think the practical suggestion the honourable member made was that there should be, perhaps, a feeding time in certain areas of fenced reserves where kangaroos would tend to congregate. This is a suggestion which could be considered very closely indeed, and I will convey it to my colleague in another place to see whether or not in future something along those lines might be done.

All members probably clearly understand that the fencing of all reserves is not feasible—certainly not at this time—because the cost would be tremendous; but it would be a great step forward of course if it could be done.

I believe that the remarks of the member for Avon, who also pointed out the other side of the picture, were most interesting. It has always been a contention of mine that not enough balance is maintained in community life generally in arguments advanced for this purpose or for that purpose. Too many of us tend to view a problem from our parochial point of view, or from one aspect only. I find that as Minister—and any Minister would be in the same position; and any person who hopes to be a Minister should take note of this—I must, if I wish to make decisions which are reasonably sound, look closely at all aspects of the problem and not luxuriate from a particular point of view as some of the armchair critics do when writing letters or advancing theories based on a singular line of thought.

The member for Avon believes that there are too many "blessed" kangaroos—I think that was the expression he used—and that under certain circumstances they were dangerous. He instanced the danger they pose to drivers at night, particularly at certain hours. I frankly admit that drivers must be careful under those circumstances and at those times, but I do not think the honourable member is advocating the extermination of these species.

Mr. Gayfer: I am advocating more control instead of letting them go. I do not want a "hands-off" policy, because I think this would be detrimental.

Mr. ROSS HUTCHINSON: The honourable member will recall that I prefaced my remarks on this matter by saying that there should be some sort of balance. I think that our control of fauna will be more rigid as time goes on. I do not imagine that will be easy because so much

money will be needed to ensure full control. Full control will mean that our wildlife must be in natural circumstances.

I have found this debate interesting, and it is obvious that this Bill has the support of members on both sides of the Chamber, and I think this is as it should be. I therefore commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

MR. MOIR (Boulder-Dundas) [11.8 p.m.]: The Act this Bill is designed to amend is completely different from the Mining Act. The Mines Regulation Act governs the conditions under which mines are operated, and it sets down the conditions and methods which shall be adopted in mines, and these are designed principally for the protection of mine workers.

Members will recall that an amending Bill was introduced in this Chamber last year. The following was the Minister's introductory paragraph on this occasion:—

This Bill proposes some further amendments to the Mines Regulation Act, which was amended last year, as experience has shown that some additional modification is necessary for its proper implementation.

I only wish that there was more modification of the legislation which was introduced last year.

Members will recall that last year those on this side of the House opposed most strongly some of the provisions in the Bill introduced then. It is a source of some satisfaction to me to know that one of the provisions of that Bill against which I protested vigorously will be amended by this Bill and will be restored to its original wording.

I refer to the section of the Act which governs the hours of working. The amendment states that the hours of labour underground will be seven and a half and penalties are provided for anybody working longer than seven and a half hours. The penalties apply to both the employer and the employee. At the time of the last amendment I prophesied that this would cause a lot of trouble in the mining industry, which it did. I

pointed out, last year, that new people were coming into the mining industry and they were prepared to break down the conditions which had prevailed over the years just for the sake of making a quick dollar and getting out of the industry. Those people were not concerned with the fact that the regulations were there for a purpose, and were the result of experience over many years. They were not concerned that the regulations were designed to protect the health and welfare of the individuals.

We will always have those people who are prepared to disregard regulations and think only of monetary gain. Since the hours' provision was removed from the Act there has been considerable industrial trouble in mining circles. I refer, principally, to Kambalda where bitterness has been created amongst the men working in the industry. There have actually been cases of men working a full day shift and, on being brought to the surface, immediately going to another shaft and commencing another shift. That is something which cannot, in the interests of the people who have to work with such a person, and in the interests of the person himself, be tolerated in the mining industry. No matter who the person is he cannot work long hours underground in a mine without becoming considerably fatigued and a menace to himself and other people.

Medical evidence supports the fact that after a man has been working in the atmosphere of a mine and coming into contact with fumes from explosives and breathing dust, which is inevitable in the mine, he has to have some hours of change out of that atmosphere in order to partially recover.

Another reason for limiting the hours is to provide a break between the shift which is knocking off and the shift which is about to commence. That is a very wise precaution, and I have seen this point argued in the Arbitration Court. The Arbitration Court was always careful to provide a period when there was practically nobody in the mine, and when the ventilation system could clear the fumes and dust raised by the explosives. This ensured that the mine was reasonably clear before the commencement of the next shift. I am pleased that the Minister—or the Government—has seen fit to reintroduce the provision, which has stood the test of time and which was unfortunately removed when this Act was last amended in this House. Some of the other provisions contained in last year's Bill have caused trouble and I only wish they were also being removed now. I refer, particularly, to the optional Saturday shift. What I prophesied last year has come about; the Saturday shift is not very optional at all. When men state that they do not want to work the shift they do so at the risk

of being penalised. I pointed out that that would happen. A man can be penalised in various ways when working in a mine. He can be put to work in places which are not comfortable, and in places where he is not able to make as much money as he could make at the place where he is ordinarily employed.

All these things have happened with considerable disruption to the mining industry. In all my years of experience in mining I have not known so much industrial trouble as has occurred in the last 12 months. Nobody can argue against that, because the facts are there for all to see.

While the provisions in the Act are not equitable, there will always be somebody prepared to take advantage of them and, of course, there will be consequent industrial trouble. I leave that thought with the Government; that it does not do to tamper with these Acts.

In passing, I notice that the Minister, when introducing the amendments, stated there was to be a complete revision of the Mines Regulation Act because of the different types of mining taking place and the different minerals being mined in a manner not previously envisaged. Of course, different provisions are required. I applaud such revision as I think it is necessary. However, I hope the Government will give us plenty of time to examine the revised Act. I have seen copies of the draft proposals which have been submitted to the Chamber of Mines and to the unions for their perusal and examination. It is a very bulky document indeed and I would say it is something on a par with the Local Government Act.

We know that when the Local Government Act was rewritten it was introduced during one session and debated during the next. I hope something similar happens with the revised Mines Regulation Act when it is introduced by the Government. I thank the Premier for keeping this present Bill low on the notice paper for a few days so that we could absorb its material content.

The Bill contains 21 amendments and I do not propose to deal with them all at this time of the night. However, I do want to comment on some of the amendments. I quite agree with the interpretation of "quarry," and the deletion of the necessity for the Senior Inspector of Mines for the State to declare in writing that a certain operation is a quarry operation. I could never see the need for that provision and I think the definition of "quarry" covers the whole matter.

I also agree very much with the interpretation of "underground" in regard to winzes being sunk from the surface. The question concerning when a man is underground has caused a lot of dissention in years gone by. I can remember the interpretation given by an industrial magistrate

which cleared up the matter from that time on. His interpretation was that when a man's head was below the surface he could be considered to be underground because he was out of the natural circulation of the air.

The provision in the Bill seeks to make it very definite that when a winze is six feet from the surface, it is underground and is to be treated as an underground operation. It would be a very tall man who would have his head above the surface when a winze was six feet deep. I think that is a forward move.

Another amendment contained in the Bill provides for a second-class certificated manager. Previously there were managers, certificated managers, and certificated supervisors. The Government saw fit to include the category of second-class manager in the Act. At the time I was perturbed, because I thought it might be breaking the qualifications down a little. However, it has not operated that way and we find that not many men have qualified for a second-class manager's certificate.

I think the Minister said, when he moved the second reading, that only six in all had qualified. Consequently I see no reason why this category should not be removed from the Act. If this is done, it will mean that the supervisor will be able to fulfil that position, as indeed he always could. The certificated supervisor is a very experienced man as far as mining is concerned. He has to pass a very stiff examination before he is granted a certificate.

When I sat for a supervisor's certificate, I had to sit on two different days and, on the third day, I had to attend for an oral examination. I know it was a very stiff examination back in those days and it is approximately 35 years since I obtained that qualification. However, I do not think the examination has been made any easier over the years.

I consider that an underground supervisor would be quite capable of taking charge of any underground operations on the mine and of carrying out his duties quite satisfactorily. Consequently, as I have said, I do not see anything wrong with the elimination of the category of second-class certificated underground managers from the Act.

However, I am perturbed about one of the reasons advanced by the Minister for Mines. He stated that it was impossible for a practical miner to attend the School of Mines in Kalgoorlie now and obtain the requisite knowledge which would enable him to obtain that certificate. I am very concerned about this aspect and I have placed a question on the notice paper. The Minister has said that this has come about since the School of Mines was taken over by the Institute of Technology.

The School of Mines has operated for many years and its function has been to educate and train men in duties pertaining

to mining if they desired to be trained and offered themselves for that purpose. There are very many highly capable men in the mining industry in this State and indeed, many have gone from Western Australia to various parts of the world where they have been able to take on high positions through the training they received at the School of Mines. I am very concerned that the curriculum has been altered to make it impossible—in the words of the Minister—for practical men to start these courses at the School of Mines.

Another matter on which I wish to touch briefly is the definition of "quarry." Two classes of quarries are proposed under the measure and, of course, different types of supervision are necessary in each case. The line of demarcation is whether explosives are used. I assume the Minister thinks that a quarry where explosives are used is far more dangerous to work in than one where they are not. This is not altogether correct, because a quarry in oxidised ground can be a very dangerous place if it is not worked properly. These quarries are worked with bulldozers with a front-end implement attached which scrapes from the floor of the quarry and up the side of the quarry. If the bulldozers keep going in and undercut the wall, a very dangerous situation can develop.

Members will have noticed the result of a recent inquest when a lad unfortunately met his death at Kwinana. He was in a pit and was ordered to undercut, with the result that the overhanging wall came down and killed him. Consequently, I do not altogether follow the Minister's line of reasoning. However, provision is made for someone with a certificate to have control.

Another matter in connection with quarries concerns the employment of a quarry manager. In the past a quarry manager has been necessary when 25 men were employed. In fact that number is used quite frequently in the Act with regard to underground work in mines. I think the number of 25 men was included to give an indication of the scope of the operations. It is proposed now to take this provision from the Act and to say, instead, that a quarry manager shall be employed when 25 men are employed by the owner. The situation could arise where 70 or 80 men would be working in quite a large quarry, but the bulk of them could be employed by outside sub-contractors. Consequently, I am not completely happy about this provision. I think, however, my colleague, the member for Collie, will probably have something to say on this aspect and, consequently, I will leave the matter to him. I simply wish to repeat that I am not happy with it.

Another amendment in the Bill is concerned with the body which shall be notified in the event of a serious accident. At the moment the legislation states that when a serious injury occurs on a mine, the A.W.U. shall be notified. I have always considered this is not a very good provision, because although the A.W.U. covers the bulk of men engaged in mining, it does not cover them all. Further, although it covers most men who are employed underground, it does not cover them all. Electricians, winder drivers, pipe fitters, and different types of craftsmen work underground, and any of these could meet with a serious or fatal accident. It would be rather foolish to notify A.W.U. officials if any of these men were to meet with a serious or fatal accident.

Also, mining is fairly widespread now but in earlier times it was concentrated mostly in the eastern goldfields. Then it was quite practicable to notify the officers of the A.W.U., who would attend at the scene of the accident to establish the cause and, of course, to offer suggestions to remedy any situation which might have caused the accident. The provision in the amending Bill is to the effect that the representative of the union, to which the victim of the accident belongs, shall be notified. I quite agree with that.

There is another important provision in the Bill. It was initially contained in the legislation but taken out last year when an amendment was included in the Act to the effect that a man is underground until he is relieved of his work. Of course, this has never been a fact, because a man commences work on the surface and finishes work underground. The inclusion of this provision will restore the former provision of the Mines Regulation Act.

The Bill makes provision for working, in certain circumstances, outside of the hours which are set down. It states—

(3) Subsection (1) of this section does not apply where a serious breakdown of plant, machinery or mine workings, or any other event occurs that causes a hazard or danger to the health or safety of the personnel employed in or about a mine.

This has always been recognised by the mining fraternity and, in the main, workers do not cross the t's and dot the i's when something of that nature occurs. I am very pleased to see that a penalty will be imposed—

(4) Where a workman accepts employment contrary to subsection (1) of this section, he and his employer are each guilty of an offence against this Act.

I think that will put an end to the practice that has been going on in the mines and will restore harmony in those places where, in the past, there has been considerable discord.

A rather peculiar legal situation has evidently arisen in regard to the discretionary power which is at present held by inspectors of mines. Everybody has regarded that power as being quite lawful, but evidently it has been discovered that such is not the case and the amendment in the Bill seeks to repeal subsection (2) of section 61 and to re-enact it. The Bill seeks to provide that these regulations can be framed to give discretionary power to inspectors of mines, and I think everybody agrees with that. The inspectors have possessed those powers for years and have used them wisely. However, there appears to be a legal impediment in the existing provision and the amendment seeks to rectify this.

I take this opportunity to pay a tribute to inspectors of mines who, in the main, are extremely conscientious officers. They are seized with the importance of the work they have to carry out, and they are highly qualified men. Unfortunately, at some time or another, an inspector who is not so conscientious is appointed and he views the position only as a job and merely looks forward to pay day. Fortunately, that type of individual is few and far between, but when one is appointed to the position it is not very pleasing to anyone in the mining industry.

I also wish to draw attention to a small minor amendment which seeks to alter the word "cut" to "cart." The Act has contained the word "cart" for many years, and it takes one's mind back to the days when ore was carted by horse and dray. However, the amendment made last year changed that to "cut." I did not raise the point on that occasion, because we have had the experience, when we have pointed to an obvious error in the Bill, of the Minister in charge being adamant against any change being made.

On this matter I merely wish to mention that in our legislation we should use more modern language. In these times nobody uses the word "cart" when referring to the movement of ore. The word "transport" is now used, and therefore we should not use a word that became obsolete years ago. There are other words in this section with which I am not altogether happy, and which relate to hand-guided rock drills and small hand-held tools. Essentially, such tools are fairly innocuous machines. However, large drills are used as rock drills and, in my opinion, they should be subject to the provisions of the Inspection of Machinery Act. With those observations I support the Bill.

MR. JONES (Collie) [11.34 p.m.]: The member for Boulder-Dundas has outlined the position so far as these amendments to the Mines Regulation Act are concerned. He indicated that amendments were made to the Act last year, and now

the Bill before us shows that a number of those provisions are to be amended once again.

On reading the Minister's notes I have noticed that common agreement was reached on the number of items contained in this measure. However, as I did on the last occasion when a similar Bill was before the House, it is my intention to oppose a number of the clauses in the Bill, because I consider they are dangerous and could bring about repercussions when other Acts governing mining operations in the State are being considered.

It would not be denied that in any sphere of mining safety is essential. The regulations framed under this Act are designed, of course, to ensure safety and good working conditions generally. It is therefore incumbent upon all members to look at the question of safety in the right light. One would have to have some mining experience to realise the dangers that are inherent in this industry and the need, on all occasions, for the regulations governing the industry to be observed to the letter and thus obviate serious accidents occurring.

The amendments referred to by the previous speaker cover several different operations in the mining sphere; namely, quarries, sandpits, and mines both underground and on the surface. Clause 2 seeks to amend section 4 of the principal Act and, in all, seven amendments to this section are sought. I am not happy with the amendment that is sought to the interpretation of "machinery" by adding after the word "not" in line 8 the word "hand." Under the existing regulations, or in the Act that was passed last year, a machine is defined as follows:—

Machinery, means every steam engine, motor or other source of motive power and every machine, shafting, belt, gearing pulley, flywheel, lift, crane, contrivance, or appliance drawn by such engine, or power and includes boilers and air receivers but not rock drills or small hand held power tools.

The amendment in the Bill seeks to provide that the word "hand" shall be inserted after the word "not" in the second-last line of that interpretation. This will mean that the latter part of that interpretation will not cover hand rock drills or small hand-held power tools.

A reference to *Hansard* will show that I joined with the member for Boulder-Dundas last session, when a similar Bill was before the House, in opposing an amendment to this section. As the member for Boulder-Dundas has indicated, his words have now come true, because the number of alterations which he considered necessary are now being sought by this Bill. Members may probably recall that on the last occasion the legislation was being reviewed by us I pointed out the conflict in the definition of "mines." We

have one definition relating to an operation in quarries and to open cut operations on the goldfields, and another definition relating to open cuts in the coalmining industry.

In the mining industry the definition prescribes that a mine must be covered overhead by rock or some other form of earth, whereas in the Coal Mines Regulation Act the definition of mine includes every open cut and every open shaft. So it will be seen that there is some difference in the definition of a mine between the two different sections of the mining industry.

The question may be asked as to why I am raising these matters. I wish to forewarn Parliament that I understand the Coal Mines Regulation Act—an Act governing questions of general safety and working conditions in the coalmining industry—is at present being reviewed. If there is to be any attempt to amend the Coal Mines Regulation Act to prescribe regulations in the same manner as regulations are being prescribed under the Mines Regulation Act, I wish to record my opposition to such a move.

While the definition of "underground" may not seem important to some members of this House, it is very important indeed to the miner himself because on the definition of a mine and that of the surface depends his rate of pay. So it will be seen that so far as the mineworkers are concerned the question of the definition is very important indeed, because it determines their rate of pay for the work they actually carry out.

An amendment in the Bill prescribes that hand operated boring machines will not be classified as machines. A moment ago I mentioned the Coal Mines Regulation Act and the possibility of its alteration at this time. There is no doubt that a conflicting situation does exist because in the coalmining industry a hand operated boring machine is classified as a machine. Anybody with any knowledge of the industry will know that poppers are hand operated. So we have a situation where a hand operated boring machine is classified as a machine in one Act whereas in this Act, as it relates to quarries, a hand operated boring machine is not classified as a machine. So it will be seen that an anomaly does exist. I am concerned about the situation because there are two different rulings in connection with two separate types of mining operations in this State at the moment.

The section about which I am mainly concerned was briefly referred to by the previous speaker. This relates to supervision and the changes contemplated in this legislation. As the member for Boulder-Dundas indicated, section 25 is now to be amended to prescribe that where 25 men or fewer are employed and explosives

are not used, the qualifications of the officer in charge need not be as high as in the case where explosives are used.

I wonder what the significance of this amendment is, and I also wonder whether the Minister could tell me what the figures indicate as they relate to operations in quarries around the metropolitan area. Would the accidents in quarries be largely caused by explosives, or are they due to falls of earth, or accidents involving bulldozers? This is a very important question. While it is essential to ensure the safety of the men when gelignite is being used, it is also essential to see that safety precautions are rigidly enforced in quarries and sand pits, because even though explosives might not be used the element of danger still exists as the men concerned could be working under high overhanging walls. So the question of supervision does come into it.

We also have the question of men working on machines and excavators where the heights of the walls on which they are working are higher than the boom of the machine. This aspect is not tolerated in the open-cut mining operations on the Collie coalfields.

Other questions of general safety also arise. I wonder whether the number of men involved is important. Even though there is provision for a quarry supervisor's ticket to be granted, the board of examiners must ensure that the men are fully qualified to conduct operations in quarrying and other forms of mining apart from coalmining and goldmining.

It does not matter whether there are 10 men or 15 men employed; it is the question of safety which must be uppermost in our minds. A short while ago we had this question of safety very strongly emphasised when a man met his death at Collie while driving a water cart. He drove the cart over the overburden of the bank. So the question of safety plays a most important part in mining operations.

Perhaps the most significant change that is sought to be made, and one which I strongly oppose, is the alteration of the question of men being engaged by the owner. At the moment the Act prescribes that where fewer than 25 men are engaged by the owner the qualifications of the officer in charge need not be as high as in the case where more than 25 men are employed. What is the position in relation to subcontractors?

We could have the situation at a quarry of 24 men being engaged with a quarry supervisor in charge, and later a further 100 men could be brought in by a subcontractor. Who would have jurisdiction over these men? Let us suppose the question of safety was involved and the quarry manager felt that the men were engaged

in dangerous practices: who would say to the subcontractor, "Your workers will not work in that area?" This is one of the weaknesses in the legislation. The Minister in another place clearly defined the position in answer to a question asked by a member there. While the purpose of the legislation seems clear, I do wonder who will be responsible for the safety of the men and under whose jurisdiction will they come in the event of a subcontractor being brought in to work on mining operations? On a number of occasions there has been argument in connection with the question of safety, and this position could quite easily arise again.

I would much rather see incorporated provisions similar to those which apply to the coalmining industry under the Coal Mines Regulation Act where the manager of the mine is responsible for every man working on the lease and where his powers are delegated to the underground manager and then to the deputy who are all qualified men.

If subcontractors were brought in to work on open cuts or on quarrying operations in Collie, they would be under the jurisdiction of the mine manager who would say, "You do not work there until we have removed this danger," or, "You do not work under those circumstances."

This is very weak legislation, to say the least. We now have a situation where subcontractors can be employed in quarrying operations while not being under the jurisdiction of the quarry manager. This is very bad indeed, and because the amendment in the Bill makes this possible I wish to indicate my grave concern about the alteration of the provisions to which I have referred.

It is not my intention to traverse the ground already covered by the previous speaker, but I would like to hear the Minister on the points I have raised. Having had some considerable experience in the mining industry I emphasise the fact that the question of safety is all important. It is a hazardous industry and we must be certain when we change the regulations that they provide for the prevention of accidents.

I am certainly not happy with a number of the definitions contained in this legislation. There is probably good reason for the Act being amended; indeed, the Minister for Mines made it clear that one of the amendments was designed to overcome the problem to which I have referred.

On all occasions we must ensure that the safety factor is the prime consideration so far as mining operations are concerned. I would like to hear the Minister on the points I have raised in connection with a number of the amendments in the Bill before us.

MR. BOVELL (Vasse—Minister for Lands) [11.50 p.m.]: I thank the member for Boulder-Dundas for his general support of the measure. Of course, the honourable member is qualified to speak on this measure, because it deals with the mines in his district. The member for Collie has raised certain questions, but the coal mines are covered by another Act and we have dealt with it on other occasions.

Mr. Moir: I think he was referring generally to quarries in various parts of the State.

Mr. BOVELL: That is so.

Mr. Jones: Do you know my mining experience?

Mr. BOVELL: He was referring mainly to the effects of this legislation on the miners in the Collie field. I say that this legislation is not directed to the Collie field.

The member for Boulder-Dundas said that he considered further modification of the Bill which was introduced last year was still necessary. I can assure him that every endeavour is made by the Government to protect the health and the well-being of the mineworker. I am informed that this legislation has been framed in association with the Australian Workers' Union, and that that union is generally satisfied with it.

Mr. Moir: It was not satisfied with the amendments of last year; far from it.

Mr. BOVELL: I am saying that in respect of the amendments in the Bill before us the A.W.U. is satisfied, and the amendments are acceptable to it. For that reason I feel the House should support the Bill. It would be another matter if this legislation had been introduced by the Government without any liaison with the A.W.U.

The member for Boulder-Dundas raised a query concerning the quarries, and referred to the two provisions in the measure which deal with them. It is only logical that where explosives are used the operations become more dangerous than would otherwise be the case. I cannot inform the member for Collie offhand whether the number of accidents caused by the use of explosives is greater than the number of accidents caused by the fall of earth and similar incidents. This aspect was, no doubt, considered when the proposals in the Bill were discussed with the A.W.U.

The member for Boulder-Dundas also mentioned that the description of the powers of the inspectors had more or less been clarified by this legislation. The member for Collie referred to section 25 of the Act which deals with the certificates of underground managers. He raised a query as to the number of men the underground managers can supervise. If there had been any doubt in the minds

of the representatives of the A.W.U. on this aspect I am sure an objection would have been raised and an alteration would have been made. I hope the House will agree to the provision as it stands.

Regarding subcontractors, although they are not defined in the Act, the term "owner" is defined as—

"owner" when used in relation to any mine to which this Act applies, means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and includes a contractor or tributer working therein, but does not include a person who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine;

This definition seems to include various classes of people, including subcontractors, although they are not specified. There again I might be wrong. I have no doubt the Minister for Mines will consider the submissions which have been made in this debate.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR DAVID BRAND (Greenough—Premier) [11.57 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.58 p.m.

Legislative Council

Wednesday, the 5th November, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 3 p.m., and read prayers.

QUESTIONS (9): ON NOTICE

RAILWAYS

Derailment near Widgiemooltha

The Hon. R. H. C. STUBBS asked the Minister for Mines:

- (1) In respect of a derailment south of Widgiemooltha on the 24th October, 1969, when several oil tankers were derailed, has it been ascertained whether it was caused by the foundations under the sleepers turning to mud after the recent rain?
- (2) If not, what was the cause of the derailment?

The Hon. A. F. GRIFFITH replied:

- (1) A derailment occurred on a temporary deviation at 9.45 p.m. on Thursday, the 23rd October, 1969 and it is presumed that it is to this occurrence that the honourable member refers. The deviation was in use in connection with re-grading being performed in the area.
- (2) A departmental inquiry has been instituted to ascertain the cause of the derailment and at this juncture the finding of the board is not available. However, a preliminary investigation indicated that the derailment was probably caused by the gauge spreading on the temporary deviation.

2. DAIRY MARKETING BODY

Plans

The Hon. N. McNEILL asked the Minister for Mines:

- (1) Would he refer to the Minister for Agriculture, for some clarification, a report in the *Farmers' Weekly* of the 30th October, 1969, with the heading "Questions on Plans for Dairy Marketing Body"?
- (2) Can the Minister advise whether departmental discussions have taken place with a view to the establishment of a single marketing authority for milk products in Western Australia?
- (3) If such a move is contemplated, when is it anticipated that details of the proposals will be announced?
- (4) What is the nature of decisions reported in the article as having been made by the Agricultural Council with respect to the administration of the dairying industry?

The Hon. A. F. GRIFFITH replied:

- (1) This has been done.
- (2) and (3) The Minister advises that, to his knowledge, no discussions of this nature have taken place.