because the Board required an applicant "to have been in engagement with the enemy", and the information supplied to the Board by the complainant stated that while in Malaya he was on patrols for 76 days but at no stage did he actively participate in a physical skirmish with terrorists.

I then decided to obtain full service details from the Ministry of Defence, and these confirmed that the complainant had been on active service with a company of the New Zealand Battalion. The company did take part in active patrols in an operation during which five contacts were made with the enemy, and one of its members was killed.

This led me to the preliminary conclusion that the complainant should be considered as being eligible for rehabilitation assistance on the grounds of having been "in action", and I informed the Board accordingly.

The Rehabilitation Board then decided to modify its view as to what constituted "being in action" and agreed to accept my complainant as being eligible, on service grounds, for rehabilitation and housing concessions.

I informed the complainant's solicitors accordingly.

There is a case where a man, over a period of years, failed himself to substantiate his claim; but the Ombudsman was able to do it. That could be multiplied many times. Are we justified in denying our citizens the benefit of such an office? I hope that the motion which I have already moved will be carried.

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

Ayes—20	
Mr. Bateman	Mr. Harman
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Burke	Mr. May
Mr. H. D. Evans	Mr. Norton
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Grayden	Mr. Tonkin
Mr. Hall	Mr. Davies
	(Teller)

Noes—22	
Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. McPharlin
Mr. Burt	Mr. Mensaros
Mr. Cash	Mr. Nalder
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Dr. Henn	Mr. Stewart
Mr. Hutchinson	Mr. Williams
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning
	(Teller)

Pairs	
Ayes	Noes
Mr. Bickerton	Mr. Mitchell
Mr. McIver	Mr. Court
Mr. Jamieson	Mr. O'Connor
Mr. Moir	Mr. Rushton

Question thus negatived.

Motion defeated.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Receipt and First Reading

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [10.4 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 10.5 p.m.

Legislative Council

Wednesday, the 23rd April, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

BILLS (4): INTRODUCTION AND FIRST READING

1. Local Government Act Amendment Bill, 1969.

   Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

2. Strata Titles Act Amendment Bill.

   Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

3. Coal Mine Workers (Pensions) Act Amendment Bill.

   Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

4. Transfer of Land Act Amendment Bill.

   Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

QUESTIONS (3): ON NOTICE

WESTERN AUSTRALIAN BALLET COMPANY

Subsidy

1. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

   (1) Is the Minister aware that Ballet Workshop made a north-west tour during 1968 which resulted in a loss to the principals of about $1,000, and that this loss has delayed plans for a further tour?

(2) Is he aware that this ballet company receives no Government assistance?

(3) Is this absence of Government help due to a technical matter such as lack of incorporation pursuant to the Associations Incorporation Act?

(4) If Ballet Workshop became an incorporated body, would the Government consider assisting it on the same generous scale as the W.A. Ballet Company?

The Hon. A. F. GRIFFITH replied:

(1) I understand that such a tour was made.

(2) Yes.

(3) Partly so.

(4) If the Ballet Workshop became an incorporated body any request for assistance would be considered in the light of the then existing circumstances.

2. *This question was postponed.*

SEPTIC TANK WASTE

Dumping Near Causeway

3. The Hon. J. DOLAN asked the Minister for Health:

(1) Has the Minister been made aware of the terrific stench emanating from septic tank waste being dumped on the rubbish tip near the Causeway?

(2) Did the Public Health Department assure the residents in the area that the contractors depositing this waste would be stopped?

(3) Will the department act urgently to remedy the position?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) Yes.

(3) Yes.

CHIROPRACTORS ACT

Disallowance of Rules: Motion

Debate resumed, from the 22nd April, on the following motion by The Hon. C. E. Griffiths:—

That Rules 10A, 10B and 10C made by the Chiropractors Registration Board under Section 18 of the Chiropractors Act, 1964, published in the *Government Gazette* on 12th November, 1968, and laid on the Table of the House on 25th March, 1969, be and are hereby disallowed.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.43 p.m.]: Mr. President, it appears we have a problem. The definition of this problem will vary according to the person considering it and according to the way the person considers it. Simply stated, my definition of the problem would be whether or not we believe that the board which was determined by Parliament to run the chiropractic group should, in fact, be given the opportunity to do so. I feel it is necessary to recapitulate a little.

Before I became the Minister for Health this House decided that chiropractors in this State should be organised and given a status. Parliament decided to set up a board. It decided the composition of the board, and it decided those who would be allowed to practise as chiropractors, and set conditions governing their entry into the profession. Members of Parliament at that time were backed by the majority of those practising chiropractic and, I believe, by a reasonable proportion of the public.

A board, of course, is not established solely for the protection of those who practise under its aegis. A very real component, and probably the major one, is that the board is empowered to discipline its members in the interests of the public. In short, the board is established to protect the public. I believe, Sir, that, if members present at the time recollect, this was, in fact, the major reason for the establishment of the board; that is, to protect the public from people having no real knowledge of chiropractic but setting themselves up as practitioners.

Section 23 (b) of the Act denies all chiropractors the right or authority "to assume or use any name, title, or designation implying that he is qualified to practise, or is by law recognised as a medical practitioner or pharmaceutical chemist"; and the rules of the board reinforce this section.

Some stress has been placed on the denial to these people of the right to call themselves "Dr. Smith," "Dr. Jones," or whatever the name happens to be. It is claimed that some of these people have a degree of doctor of chiropractic and, therefore, should be entitled to use the designation "Dr." as a prefix to their surname. There are two matters in regard to this that I would like to point out. Firstly, we are not concerned with the practice in America or any other country. We are concerned with the habits of this country.

In Western Australia, the designation "Dr." denotes that the holder has a degree of Bachelor of Medicine, which entitles him to the courtesy title of "Dr." Or he has a senior degree in some other discipline, which entitles him to the designation "Dr." In other words, it implies that he has carried out a properly supervised course of instruction at a recognised university. I think it is for a term of five years in the case of a Doctor of Medicine, and that entitles the person to use the letters, M.D. It also implies that he has subsequently trained in a hospital. Alternatively, it implies that the person has done his basic degree in a university and has then continued on and gained a senior degree in veterinary science, dentistry, zoology, marine biology, or theology.

The Hon. N. E. Baxter: And agrostology!

The Hon. G. C. MacKINNON: Yes, agrostology, too. If a person has done such a course then he is entitled to be called "Dr." He must, of course, have done this course of study at an institution which is properly recognised by an independent board. The curriculum of the institution must be properly examined and recognised.

Members will recall that I drew some little fire on my head yesterday when, by way of interjection, I asked about a certificate. In other parts of the world, and indeed probably within Australia, it is possible to get certificates which state certain things. I have seen some quite humorous ones. Certificates can be obtained which denote that a person has certain letters after his name. These are not necessarily properly set up colleges of advanced education. Indeed there are some universities overseas which grant degrees different in nomenclature from those degrees which are granted here.

For instance, some universities in America whose curriculums include acceptable Bachelor of Dental Science degrees, which would enable their graduates to practise dentistry in this State, give not a Bachelor of Dental Science degree but a Doctor of Dental Science degree. This is what it is called. Therefore, in the State in which such a university happens to be situated, people who have qualified at that university are entitled to be called "Dr." However, they are not so entitled in Western Australia; because the acceptable equivalent here is a Bachelor of Dental Science. The holder of such a degree in Western Australia is called "Mr" It is misleading to the public if a person with such a qualification claims to be a doctor; because the Western Australian public would believe, through habit, that the dentist had, in fact, a senior degree in dentistry. In actuality, he would have no such thing. Unless a college of education has been recognised in this State, or agreement has been reached that the qualifications in question are acceptable to the education authorities in this State, I do not believe we should accept misleading nomenclature.

Just because a college of chiropractic grants a degree, or a university grants a dental degree to a person it is not to say that we should accept the nomenclature that goes with it. Furthermore, the Act passed by Parliament permitted two groups of people to call themselves chiropractors. One group is composed of those who attain qualifications granted by the board. The board has power to do this under the provision in section 18 (i) (c). This provides that the board should prescribe "the course of study and training . . . to be undertaken . . . by persons desiring to be registered as chiropractors . . . ". The board has determined that these shall be the equivalent of the Lincoln and Palmer schools, or the medical school in Canada.

There is another group whose members are legitimately entitled to be called chiropractors, and because of this are regarded as fully qualified chiropractors under our Act, irrespective of the personal view of members of the Western Australian Chiropractors' Association. Members have set the pattern and members have made the law, as this Parliament should rightly do.

These people are designated under section 22 (2) (i) and (ii). It is surprising that none of this group has been to see me. Not one member of this group has said to me that he should be allowed qualifications equal to those that are recognised, and the thought crosses my mind that there may be some advantage accruing to certain people for them to be able to say that they have attained certain qualifications in the United States of America, on the Continent, or elsewhere. They may consider that this would give them some advantage over those who were not so qualified. This, I believe, is a subversion of the intention of this Parliament which set up these two groups as equal in their entitlement to be called chiropractors and to be qualified to practise under our Act.

The first group mentioned have secured mostly a diploma abbreviated to "D.C." which stands for Doctor of Chiropractic, a copy of which diploma was shown to us yesterday. I have here a book titled, *Chiropractic in California* which is "A Report by Stanford Research Institute Southern California Laboratories, South Pasadena, California," and published by the Haynes Foundation. The foreword to that book reads as follows:—

> Foreword
>
> One of the principal goals which the Trustees of the Haynes Foundation strive to attain is the support of significant research projects in fields which are of vital concern to the public. Since public health is entitled to one of the highest priorities as a field of public concern, the Trustees of the Haynes Foundation directed their attention to a consideration of the literature respecting the several schools of therapy which are practiced in the United States.
>
> The field of medicine and surgery has been the subject of continuous research, and hence the literature in this field is extensive. In view of this circumstance, a study of this system of therapy did not appear indicated. On the other hand, chiropractic has not received the attention as a subject of research which its importance, judged by the number of its practitioners, justifies.
>
> With a view of correcting this deficiency by providing the public with an opportunity to become informed on

chiropractic, as a system of healing, the Haynes Foundation requested Stanford Research Institute to undertake such a study. Pursuant to this request Stanford Research Institute conducted the study resulting in this publication.

Adhering to its basic policy in its relation to recipients of grants for research, the Haynes Foundation accorded complete freedom and independence to Stanford Research Institute in its investigation and study of the problem and in its formulation of its findings and conclusions set forth in this publication. Accordingly, such findings and conclusions do not necessarily reflect the views of the Trustees and staff members of the Haynes Foundation.

FRANCIS H. LINDLEY
President
The John Randolph Haynes and Dora Haynes Foundation

The book sets out in detail the research the foundation has conducted, the graph it has compiled, and so on, into the study of chiropractic, the chiropractic schools, etc. A careful reading of it will indicate that it cannot compare with any properly-constituted university as we know it, and as we accept it. Members are at liberty to borrow this book and study it for themselves. It is a Public Health and Medical Department Library publication.

I will quote another extract from it very briefly. It reads as follows:—

> Thirty-eight per cent. stated that they had had some college training. About one-third indicated that they had college degrees. Sixty per cent. of these degrees were verified by registrars of the colleges and universities named. As in the case of practitioners, many of those with pre-chiropractic college training had majored in education, business, sociology, and other fields not directly related to the healing arts.

I am not saying that this is to the detriment of chiropractic. What I am saying is that they would not measure up, in terms of academic qualifications, to what we accept in this State before a person is entitled to use the title "Dr." as a prefix in place of "Mr." "Doctor of Chiropractic, United States of America" after a person's name is, of course, a completely different matter, because he holds a legitimate certificate granted to him.

I have not seen the school of chiropractic. I have based my remarks on what I consider to be an authoritative work, and I doubt if anyone else in this Chamber has seen a college of chiropractic, either. So far as I have been able to ascertain no other check has been made of the diploma or certificate issued. I just do not believe that the qualification that is issued is the academic equal of the degree that is held by the person whom we generally call "doctor," nor is it the certificate or diploma of a degree issued from any of the colleges of education to which we are accustomed, not only in this State, but in this country.

I mentioned previously that the major function of the board was to protect the public. It is quite conceivable that a sign, an advertisement, or a visiting card, headed "Dr. Blank, D.C." could quite easily be taken by a distraught mother to mean a medical practitioner specialising in diseases of children.

If chiropractors are so anxious to use the title "Dr." they should, of course, accept gladly regulations based on the code of ethics which governs medical practitioners. I believe it is unethical for any chiropractor to use such a title, unless he has completed a fully-authenticated university course entitling him, on international standards, to use the title "Dr." In short, I believe it is designed to mislead.

My opinion in this matter, however, is of little account. It is the opinion of the board that is important. Let us examine the personnel of the board. It is composed of four members; namely, Mr. Tunney, Mr. McNamara, Mr. Watson, and Mr. Curran. The chairman is a lawyer. The original chairman was Mr. Wickham, and the current chairman is Mr. Ackland. The services rendered by the members, including those of the chairman, are honorary. All of the members are established chiropractors of high standing and of excellent character. I know that myself, because I appointed them. Mr. Tunney and Mr. McNamara are doctors of chiropractic, U.S.A. Both of them completed their education in the United States of America; that is, their chiropractic education.

Mr. Watson and Mr. Curran were admitted as chiropractors under the Act and, in the eyes of the law—that is, the Chiropractors Act—these people are equal. The association referred to in this House last night has as its president, Mr. Tunney, and, as vice-president, Mr. McNamara.

The board, of course, is properly aware of its need to protect the public and it complies implicitly with the rules and regulations that, as devised, are in the interests of the public and of chiropractors in general. It was stated that the rules as promulgated and proposed are, in fact, denying chiropractors freedom of speech and therefore are interfering with their basic liberties. This is axiomatic. The chiropractors asked for, and Parliament granted to them, the privilege of having a board charged with the responsibility of conducting the affairs of chiropractors. One of those responsibilities is clearly stated in section 18 (1) (h), which sets

out that the board may prescribe the professional and ethical standards to be maintained. It may even act as a court and hear a charge or complaint against or concerning a chiropractor or a student, and fix penalties in relation thereto.

One gets nothing for nothing in this world. To have the privilege of a board demands a price, and that price is some degree of control. As members know, this is a provision of virtually every board, and every board that I know of has seen fit to use it.

As has been stated, some professions have a long and illustrious history. That is quite true. Their codes of ethics have become an accepted and integral part of their way of life. No need has been felt and, indeed, it has been unnecessary, to transcribe those codes into regulations or laws, or to embody them in any Act. However, woe betide the practitioner who transgresses for his board would not hesitate to discipline him, and discipline him severely, should he transgress. Members are perfectly well aware of this and in the case of chiropractors in this State no such code of ethics had been arrived at.

We have had the spectacle of a chiropractor displaying a large illuminated sign reading, "Dr. So-and-So. X-rays taken here." I have seen visiting cards with the words, "Dr. So-and-So" on them. The only reason I knew they were not medical practitioners was that I did not know of a medical practitioner who would do such a thing. I am sure there is not a member here who knows of a medical practitioner who would put "Dr. So-and-So" on his card.

I ask members to think for a minute and to put themselves in the place of members of the board—the board which framed the regulations about which we are speaking—and to ask themselves what action they would take in the light of such happenings—happenings which other chiropractors felt very badly indeed about and thought were most unethical. The advertisement to which I just referred was, of course, misleading. There is the possibility it may have been done deliberately to mislead.

There have been examples of literature being deposited in letterboxes and advertising a doctor of chiropractic. Many chiropractors considered that to be most unethical indeed, and it is actions such as these and others which led the board to take the action it has taken. It may well be that in the opinion of some members the regulations go too far. Time alone will tell. I believe the board should be given this time.

The board understands its industry because most of its members practise within it. They understand their members because they know them. There are 26 of them and the figures quoted by Mr. Clive Griffiths last night were those registered by the board, wherever they might be. Such is the advantage of being a member of a registered chiropractic board that chiropractors have registered with the Western Australian board from as far away as New Zealand because of the status it gives and because, to my knowledge, it is the only board that is working still.

I have said before that chiropractors in this State who are registered are all equal in the eyes of the law but it would appear that certain of them wish to gain some professional advantage over their brother chiropractors by advertising that they have secured a certificate or diploma from a constituted school in the United States, or in Canada. To some extent, and to some extent only, the board disagrees with this.

Reference was made last night to a chiropractor who has a Bachelor of Arts degree. I believe it was obtained at a New Zealand university. I asked the registrar this morning whether this degree would be recognised by the board and he said, "I would imagine so." He could see no earthly reason why it should not be. In my opinion, if we recognise it, that person should be able to use the degree in the same way as he can use other degrees. The criticism is that the board would not give a general opinion, but I think that is reasonable. However, the board would do so when asked specifically.

My recollection of the letters read out is that most of them were asking for a general definition. I could not check on this because on my copy of the honourable member's speech the letters are not typed but merely the words "on original" appear. When these people called on me the other day and suggested that they write and say, "May I use Jack Smith, Doctor of Chiropractic, U.S.A., Bachelor of Arts" or whatever degree the person might have, I said I would specifically—

The Hon. W. F. Willesee: On a point of information: did you not say that these people had not been to see you? Now you say they came to see you.

The Hon. G. C. MacKINNON: Let me qualify that. Those who were admitted under the grandfather clause have not been to see me. There has always been a conflict between the chiropractors. There is the Palmer school and the Lincoln school in the case of those who were educated in the United States of America or Canada. Although I am not completely *au fait* with the matter, I understand that even among the Palmer school there are slight areas of argument. I may even be getting the schools mixed up, but there are people who believe that they should deal only with the top section of the vertebrae, while the other school believes that they should deal with all areas.

There is a difference of opinion between the graduates of the Lincoln and the Palmer schools and initially, when I became Minister for Health, just after the legislation had been passed, this argument arose. As a matter of fact, at that time there were only two members of the Australian Chiropractors' Association, which is specified in the legislation, and those were the two I had to put on the board, having no option. Those men were Mr. McNamara and Mr. Tunney—very good members. I think most members here would know Mr. Tunney by repute, if not personally, and many would know Mr. McNamara.

Now the chiropractors have virtually been reduced to two groups; there is the group consisting of those who have been to school on the American continent and there is the other group whose members have not but who have been admitted to practice under the grandfather clause—that is, they were practising for five years, two years in Western Australia. Mr. Watson and Mr. Curran are among those people, as well as Mr. Martinovich and a number of others. My point is that under this Act Parliament did not envisage an advantage lying with either group, and I do not believe it should.

If chiropractors can satisfy the board as to their qualifications, they should be able to use them in a way the board says, remembering that one member of the board is a well-qualified lawyer, two members possess U.S.A. chiropractic degrees, and two do not. I am firmly convinced—and my knowledge of the board and its members fortifies my belief—that this board would not be so unreasonable as not to allow chiropractors to distribute educational literature, or to embark upon educational programmes.

All the arguments I have heard up to date are guesswork. The board demands that chiropractors should do this, and that; demands made by a board that knows this profession and knows its members. Strangely enough, in private conversation with chiropractors who are outside of the board and with people who have been approached by other chiropractors, it is always obvious to me that the chiropractors themselves know of these people within their community. The board knows of them; and the board is endeavouring to take some action to ensure that the purpose of Parliament in placing an Act on our Statute book to provide for a board is carried out.

I do not know why I should be arguing vehemently on behalf of the board, except that I feel I have an obligation. As members will understand, I operate in an atmosphere where the majority of people I meet possess academic qualifications and they are not starry-eyed about chiropractors. But since it is my duty to do so, I have, to the best of my ability, ensured that the purposes of Parliament have been carried out.

I believe the board is trying its hardest. No-one has asked the board if he could go on television for a specific purpose and been refused; no-one has asked the board if he could publish a particular document for a particular purpose and been refused; no-one has asked the board if he could write articles for a paper, explaining chiropractic in proper terms and been refused; and no-one has asked the board specifically if he could use a series of letters after his name and been refused. People have been told that they may not use what is generally considered to be unethical advertising in the block kind of advertisements; and I consider this to be fair enough. As I said before, chiropractors have their own board, which has been set up by this Parliament at their own request; and the board believes this should not be done.

I want to return to where I started: I believe basically that the men charged with the proper conduct of chiropractic in this State should be given the opportunity to do the job they have been persuaded to do. It has always been a principle of mine that if a man is given a job to do, he should be allowed to do it. I do not think any of the arguments put up to me up to date would indicate that the men charged with this responsibility are anything but very conscious of it. In fact, they are very conscious indeed.

Whilst it may be argued that such voluntary work is to the advantage of Mr. Tunney, Mr. McNamara, Mr. Watson, and Mr. Curran, no such argument can be put forward with regard to Mr. Wickham, the first chairman of the board, and Mr. Ackland. Both of these men are qualified lawyers and they have done a tremendous amount of work. In the early days they had a terrific lot to do to get the board off the ground, draw up regulations, and so on. I can understand their not wanting to meet more frequently than once a quarter now that the back-breaking work is completed, during which time it was necessary for them to meet once a week.

I ask the House to recall the original concept of the Bill presented to Parliament and the reasons members had for voting for it. I ask them to remember what we had in mind—the better organisation of chiropractic in this State, and the protection of the public from unnecessary and unethical behaviour. I believe implicitly that the board is working towards this end; and given reasonable time, it will accomplish what Parliament originally intended.

Although some of the regulations are not precisely what are required, I believe reasonable men, such as I have spoken of, working in a reasonable atmosphere, and in harmony with a stable profession, will

accomplish what we desire to the satisfaction of the public and to the medical practitioners. For those reasons I oppose the motion.

Debate adjourned, on motion by The Hon. J. G. Hislop.

LAND AGENTS ACT AMENDMENT BILL

Further Report

Further report of Committee adopted.

Third Reading

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

POLICE ACT AMENDMENT BILL, 1969

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.18 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this measure may be divided into two distinct groups—those appearing in clauses 4 and 5 deal with the offence of impersonating a police officer; and the remainder of the clauses are of a nominal nature and are required merely as a result of a change in the designation of the rank of inspector in the Police Force. Clauses 4 and 5 propose the addition of a subsection to sections 16 and 16A of the Act respectively.

In dealing with these, which are related to the offence of impersonating a police officer, I am informed that a charge was brought recently against a person at the Northam police office for an offence of this nature and the charge was dismissed on the ground that there was no case to answer, by reason of the fact that the police had not proved that the accused was not, in point of fact, a member of the Police Force.

It would be necessary to call a police officer from the police headquarters staff office in order for the prosecution to prove the person charged was not a member of the Police Force, because the records pertinent to personnel employed as law enforcement officers in the Police Force are kept at headquarters.

However, when one considers the vast area of this State and the implication arising from the ruling given in the Northam Police Court, it is considered most desirable that section 16 of the Police Act be amended with a view to overcoming this problem.

It could well be that a person might be charged with this offence at a most distant centre, such as Kununurra, and should a plea of not guilty be entered, the commissioner would be forced to send a staff officer from Perth to that court to give formal evidence of about one minute's duration, stating, and I quote, "the accused is not a member of the Police Force."

As an innocent defendant is in a much better position to disprove the complaint than the prosecutor is in to prove it, it is submitted that it would be fair that the Act should provide an averment in a complaint that a person is not a member of the Police Force of the State or the Commonwealth, as the case may require, so that it may be deemed to be proven in the absence of evidence to the contrary.

A similar amendment is required in respect of section 16A, which makes provision for an offence of a kindred nature and provides a penalty for unauthorised use of the word "detective" as descriptive of the nature of the accused person's business, vocation, calling, or means of livelihood, with a view to soliciting, procuring, or obtaining the engagement or employment by other persons of his services as an inquiry agent or investigator, in respect of matters in relation to which such other persons require information or evidence.

As I mentioned previously, the remaining clauses arise from decisions made in respect of rankings in the Police Force. The rank of inspector, of which there were three classes in addition to that of chief inspector, has been changed. The chief inspector becomes the chief superintendent, the inspector first class becomes a superintendent and an inspector, second class, becomes a senior inspector. The third class inspector retains that designation.

These changes bring police designations into closer uniformity with the designations used in other Police Forces in other States and it is understood that proposals along similar lines are under consideration in Queensland as well as here.

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

LAKE LEFROY SALT INDUSTRY AGREEMENT BILL

Second Reading

Debate resumed from the 17th April.

THE HON. R. H. C. STUBBS (South-East) [3.21 p.m.]: The Bill before us is to ratify an agreement between the Government and Norseman Gold Mines No Liability, and the associated Japanese company. While the project will not employ a large labour force it will considerably help the town of Widgiemooltha. The project will also require the building of a rail link between Esperance and the Esperance land-backed wharf. That rail link will be of considerable help to many people, and businesses using the wharf.

The project will also affect the economic position of Esperance because more people will be employed. Also, the Railways Department will need to increase its staff, and the train crews will be stationed at Esperance and Widgiemooltha. The settlement of new residents is very important to a local economy and it is hoped that the new houses will be built at Widgiemooltha and not at the salt lake site, which is eight miles away.

Widgiemooltha now has about a dozen houses, a dozen camps, a school, a hotel, a hall, a post office, a cafe, and a caravan park with a large number of caravans occupied by the work force from around the district. Incidentally, about 500 men are working in the Widgiemooltha district and they gravitate to the town at certain times. They are employed by the various companies in the search for nickel.

When I was at Widgiemooltha recently, I found there was already a stockpile of about 25,000 tons of salt. I understand that the first contract is for 50,000 tons of salt which will have to be stockpiled before the winter rains. If the rains break in May, the company could be in trouble.

About 15 men are working on the site at present. Thiess Bros. has some 30 men in the area who will probably work on the earthmoving project, and other works pertaining to the salt industry.

Salt has been harvested from Lake Lefroy for many years. A local company has been harvesting the salt, mostly for Western Australian consumption, but some has been exported. A silo exists in the town and it is positioned to enable rail trucks to be filled rapidly. However, it will not hold the tonnage envisaged in this present venture. The salt from Widgiemooltha is reputed to be the best in Western Australia and is 98 per cent. pure.

The latest information I have received indicates that South Australia has been the largest producer of salt, producing $2,078,000 worth. Australia, as a whole, produces $2,627,000 worth, and the total tonnage used in Australia, and exported, is 644,817 tons, at approximately $4 a ton.

This salt venture, coupled with the solar salt projects in the north, will give a tremendous boost to the tonnage exported from Western Australia. Of course, the world has inexhaustable supplies of salt. Seawater contains an average of 2¾ per cent. of sodium chloride, which is common salt. As a matter of interest, it is calculated that the oceans of the world would yield enough salt to cover the British Isles to a thickness of 35 feet. Salt deposits in Europe have been worked continuously for 700 years.

In warmer countries such as Australia salt can be won by the age-old method of allowing the sun and the wind to play on the sea water, which is pumped into lagoons. The water then evaporates and the salt is left behind, and this is referred to as solar salt. This is the system used in the north-west, but at Lake Lefroy the salt occurs naturally in the lake bed. Very large quantities of dense saltwater exist below the natural level of the lake. In the early days saltwater from the lakes was used in the condensers to obtain fresh water, and there seemed to be an endless supply of it. The winter rains bring the salt to the surface of the lake and I believe that at Lake Lefroy the thickness of the salt deposit varies from six inches to one foot. The salt is harvested and when the winter rains arrive the salt rises to the surface again, and so the process goes on.

The warmer the air the more moisture it will absorb, and so the water evaporates from the lake and leaves behind the concentrated salt. As I said earlier, it will be necessary to stockpile the salt in the summer for shipping during the winter because of the boggy nature of the lake. When the salt is in the form of a solution the lakes are almost inaccessible. It has been estimated by a prominent geologist that Lake Lefroy can produce 100,000,000 tons of salt a year, which is almost equal to the world consumption at present.

As a matter of interest again, the Bible contains many allusions to salt. Ezra speaks of eating, "the salt of the Palace" as a synonym for being entertained there. Numbers alludes to "a covenant of salt" as a binding agreement. I am afraid we are not so trusting; we tie up our agreements legally.

However, we are concerned mostly with the salt from Lake Lefroy. The salt will be used in Japan for chemical and industrial purposes. Salt is used for many purposes in industry, and in some new processes salt is used to a greater degree than ever before. To give a few instances, salt is used in the preserving and curing of foods such as meat, fish, and vegetables. It is used for preserving hides and skins before tanning; and it is used in the chemical industry in the manufacture of soda ash, caustic soda, salt cake, hydrochloric acid, and chlorine and its derivatives.

There are many other uses for salt in industry, but they are too numerous to mention. Members can imagine the large tonnages of salt that are used in chemical and industrial processes.

The area to be used for the harvesting of salt is to be 3,000 acres, although the map tabled by the Minister showed that the temporary reserve 3802H covers almost the whole of the lake. However, I know why that is; the Minister is protecting this portion of the lake until the agreement is finalised and, of course, I suppose the area will be protected to keep other people out.

The Hon. A. F. Griffith: Not entirely.

The Hon. R. H. C. STUBBS: The capital which will be required by the joint partners is stated as $6,400,000 to $7,000,000. The Japanese will supply $3,072,000 to $3,360,000, which covers their 48 per cent. interest. Norseman Gold Mines No Liability will supply $3,328,000 to $3,640,000 as a 52 per cent. interest.

The lease initially will be for 21 years at a rental of $25 per 100 acres per annum. This will amount to an income of $750 per annum, or a total of $15,750 over the 21-year period. The company will be responsible for the laying of the spur line. This cost is hard to estimate, but it will be well over $32,000. The rental of the land upon which the lines are to be laid is to be a peppercorn rental.

The company will also be required to contribute a portion of the cost of the connection of the railway line to the wharf. Again, that cost is hard to estimate. The company will be responsible for the installation of loading machinery on the wharf. Fortunately, under the arrangement that machinery will be available to another company.

The company will be required to finance the reconditioning of the railway line from Widgiemooltha to Esperance at a cost of from $3,400,000 to a ceiling of $4,000,000. I suppose if the cost is above that ceiling then naturally the Government has to supply the extra finance. Again, the company will supply the locomotive power and rolling stock, and these will at some time or other become the property of the W.A.G.R.

While I am on the subject of the railway line, I would like to comment on the questions I asked the Minister for Mines on the 25th March this year. Those questions are as follows:—

(1) With reference to the permanent way between Norseman and Esperance on the Western Australian Government Railways, is the Minister aware that—

(a) the railway line is in a deplorable and dangerous condition;

(b) there is an urgent need for ballasting with substantial materials in many places to replace the earth material that becomes mud under wet conditions, thus allowing the rails and sleepers to sink and to move;

(c) the rails have broken at the fishplates owing to lack of foundation due to sleepers creeping from 4-hole fishplates;

(d) the rails when broken drop over 2 in. when trains are passing over, thus creating a dangerous situation to W.A.G.R. personnel and possible derailment of rolling stock; and

(e) severe speed restrictions are in force on many sections of the line?

(2) Can the Minister inform the House when the work necessary to upgrade the line will commence, and what will be the estimated cost?

The Minister replied—

(1) (a) to (e) The general condition of permanent way on this branch line is not dangerous but proposals for ballasting and rerailing are currently receiving consideration. Over the past two years there have been five instances only of broken rails but no special speed restrictions are in force at the present time.

(2) Work on upgrading the section will commence within the next three months and will proceed over a period of two to three years. Estimated cost for reconditioning between Widgiemooltha and Esperance is between $3,000,000 and $4,000,000.

However, in another place, the Minister dealing with this Bill said, when replying to the second reading debate, that the present railway is subject to very severe restrictions with regard to speed and axle loads. It looks to me as if I have not been told the truth, or else the people who supply information to the Minister have not told the proper story. With your permission, Mr. President, I will quote the remarks of the Minister in another place. He said—

> The present railway is subject to very severe restrictions as regard speed and also axle loading. This accounts for the fact that the W.A.G.R. and C.B.H. have not achieved very high weekly tonnages on that line in spite of the best endeavours of all concerned. I cannot see the situation deteriorating, because of the extra tonnages of salt, so far as wheat is concerned. On the contrary, I think there is every reason to assume that with higher axle loads and higher speeds when the railway is up-graded, the position for wheat will improve.

Now, as I said previously, the House was misled, and I was misled. Whoever supplied that information was incorrect.

The Hon. F. J. S. Wise: You were not told the truth.

The Hon. R. H. C. STUBBS: No, I was not. Someone is telling lies somewhere along the line; I do not know who it is, but I would like the Minister to find out. There are two conflicting opinions or statements.

The Hon. A. F. Griffith: There is a bit of a difference between telling lies and having a conflict of information.

The Hon. R. H. C. STUBBS: Call it what you like, but I have still not got the information.

The Hon. A. F. Griffith: No, you call it what you like; I do not tell lies.

The Hon. R. H. C. STUBBS: I know that the rails on that line are in a bad condition; there are some very short rails—some are 12 feet and others 14 feet long—and the 45 lb. rails are badly worn. The line generally is in bad condition and will certainly have to be upgraded to meet the tonnages that are anticipated, and I think, before three years. The company will get something back out of its $400,000. It is supplying 130,000 cubic yards of ballast at $2.10 a ton, which will amount to $273,000.

The royalty paid by the company is to be 5c per ton, returning $25,000 to the State for the first 500,000 tons. The wharfage charge is to be 20c per ton for the first 100,000 tons, as against the present charge of 40c—this company will pay half as much—and, of course, the charge decreases to 17.5c for the next 100,000 tons, and then to 15c on all tonnages over 200,000.

The freight rate to be paid by the company for the first five years is to be $2.20. The distance from Widgiemooltha to Esperance is 182 miles, and the present lowest goods rate is $5.45 per ton. So the saving to the company will be $3.25 per ton.

With a minimum of 7,600,000 tons of salt to be marketed over the next 15 years, this freight rate will give the company a terrific concession amounting to $24,700,000. The other salt company in the area, I presume, will be paying the freight rates as they stand today. When we compare this with the freight rate for wheat we find that rate is from $2.25 to $4, and that $4 is for a distance of only 70 miles as against the freight rate to be paid by the company of $2.25 for a distance of 182 miles from Widgiemooltha to Esperance. There is also 10c for shunting added to the freight rate for wheat.

As I said before, the company is responsible for all the maintenance. It is required to put in a spur line and to contribute towards the line to Esperance. Apart from this, it is also responsible for housing. Members can see that all in all, the company will be up for a few million dollars. The Minister has said that when the salt harvesting commences provision will be made in the agreement to safeguard against contamination. I agree entirely that this is necessary.

Lake Lefroy is virtually surrounded by nickel leases. Western Mining Corporation N.L. has leases to the north of the lake and also southerly across the lake to St. Ives. Apart from this, Conwest has claims to the west of the lake and Broken Hill to the north and north-east of the lake. International Nickel Southern Exploration has its claims adjacent to the lake, and Anaconda is not very far away.

For the information of members, I have brought with me a map showing the nickel leases, which can be viewed later. The lake is shown in ink and the map indicates where the leases cross the lake. I feel it is necessary to try to prevent contamination, because the water pumped from the mine is as black as ink and occasionally the underground water contains gypsum, which would adulterate the salt and cause discolouration.

I would now like to deal with the question of royalties that are to be payable to the State. As I previously mentioned, the first 500,000 tons will be at 5c a ton, the second 500,000 tons will be at 6.25c a ton and anything in excess of 1,000,000 tons in any one year will be at 7.05c a ton.

The royalty payable in South Australia for salt used for chemical purposes is 5c per ton, and for that used for commercial purposes, 10c per ton. I am not able to find the necessary figures, but apparently South Australia is the only State, apart from Western Australia, which has exported salt in any sizeable quantities. All in all, one can say that the company has been assisted very considerably.

In summarising the position I would point out that the royalties to be paid are 5c per ton for the first 500,000 tons, 6.25c per ton for the second 500,000 tons, and 7.05c per ton for any amount in excess of 1,000,000 tons in any one year. In South Australia, as I have mentioned, the royalty is 5c per ton for salt used for chemical purposes, and 10c per ton for salt used for commercial purposes.

I would like to revert for a moment to the question of wharfage at Esperance. The present charge is 40c per ton for 100,000 tons, and provision is now made for 20c a ton to be charged for the first 100,000 tons, thus saving 20c a ton; for 17.05c to be charged for the second 100,000 tons, which constitutes a saving of 22.05c a ton; and for 15c a ton for anything over 100,000 tons, which means a saving of 25c a ton. This means there will be a saving of $20,000 on the first 100,000 tons. Members can imagine what a colossal saving this will be over a period of 15 years, when they consider that 7,600,000 tons are involved.

The distance from Widgiemooltha to Esperance is 182 miles and the lowest rail freight is $5.45. The company will be paying $2.20 which means a saving of $3.25.

Let us compare this with the rail freight on wheat. From Salmon Gums to Esperance, which is a distance of 70 miles, the charge is $3.90 plus a 10c charge for shunting, making it $4 in all. From Grass Patch to Esperance, which is a distance of 48 miles, the charge is $3.60 plus 10c shunting

charge, making a total of $3.70; and from Gibson to Esperance, a distance of 18 miles, the rail freight is $2.15 plus a shunting charge of 10c, making a total charge of $2.25. This means that wheat is being hauled a distance of 18 miles at a cost of $2.25; whereas salt will be hauled a distance of 182 miles at a cost of $2.20.

The Hon. A. F. Griffith: What are the relative economics of the proposition of which you are giving examples?

The Hon. R. H. C. STUBBS: I will tell the Minister as I go along. As I have said before, this will mean a saving to the company of $24,700,000 on 7,600,000 tons of salt over 15 years. On the other side of the ledger, the company is up for $4,000,000 for the upgrading of the railway line and the rail link from Esperance to the wharf. The company is also responsible for the rolling stock, which will eventually become the property of the W.A.G.R.

We do not know, of course, what this rolling stock is likely to be worth once it is worn out. The company is to receive $273,000 for the supply of ballast. So it looks to me that the remainder of the people who use the Government railways will have to make this concession available to the company, because someone must make the railways pay. If the Railways Department does not get its revenue from one source, it will certainly get it from another.

There is no doubt that the company has done very well in the concession it has received, and I congratulate Norseman Gold Mines, on being able to negotiate such an agreement; I congratulate the company on being so astute in its business dealings. As both Mr. Garrigan and myself want these industries in our area, I have no hesitation in congratulating the company and wishing it well.

Sitting suspended from 3.46 to 4.1 p.m.

THE HON. J. J. GARRIGAN (South-East) [4.1 p.m.]: Before the afternoon tea recess, I was about to rise and say a few words on this piece of legislation before the House, known as the Lake Lefroy Salt Industry Agreement Bill. I may say at the outset that I am not in favour of a Bill of this nature being brought down, when it was known full well that the agreement had already been signed before it was presented to Parliament. Nevertheless, I support the measure, and also the remarks made by my colleague, The Hon. R. H. C. Stubbs, who together with myself, represents the area in question.

I am very pleased to say that we represent this area in Parliament, and that at last another industry in Western Australia is to be established in the little town of Widgiemooltha, which very much deserves an industry of this kind. During the depression years Widgiemooltha battled on, without an industry of any sort, with very little production of minerals, and with no rural industry in the area; although it did have a small pastoral industry. Now Widgiemooltha is to have in its midst a salt industry which I hope and trust will remain for a long time to stabilise the town for many years to come.

Salt is not like other minerals. When we extract minerals from the earth there is nothing left but a big hole in the ground. In the case of salt, it can be harvested at least once a year. The remarkable thing about salt is that when an area is left for three or four years, there is not a greater quantity of salt there than if it was harvested each year.

One thing I wish to impress on the Minister is this: Both Mr. Stubbs and I have witnessed over many years some mining companies having full control of the amenities and the houses in the towns. From my years of experience in the mining industry I have found that this never turns out to be 100 per cent. successful. The reason for that is a very simple one. Anybody who goes into such a town desires to establish a business or a residence in it; there is nothing the wife of a miner likes better than to own her home. By having her own home she has achieved something, and is proud of it. In the case of a housewife who has to rent a home over many years, the outlay is a dead loss. It is the expenditure of money for very little return.

It is hoped that when this industry is established at Widgiemooltha the company will see fit to build the homes in the town where all the amenities and essentials—a school, a post office, a railway station, a hotel, a petrol bowser, and a general store —are available. I assure members that with an increase in population, Widgiemooltha will once again be on the map.

In these days it is the trend to establish homes, or to establish a township, some distance from an industry, whatever it might be. Where homes have been established alongside industries—whether they be iron ore, goldmining, or salt industries—there are the factors of dust and noise to be contended with, factors which go with all heavy industries, whether they be in Western Australia or elsewhere in Australia.

I would like to say that Mr. Stubbs has stolen the thunder from me in his remarks on the upgrading of the Coolgardie-Esperance line. This line has to be upgraded to be able to cope with the enormous quantities of commodities and produce —mostly nickel and other minerals—which will be transported over it to the very important harbour of Esperance.

I support the Bill knowing full well that stability and prosperity will be brought to this area. It will not only be stability to Widgiemooltha but also a boost to the economy of Western Australia. While I

am on my feet I would like to take this opportunity to say that the royalties from the export of tremendous quantities of minerals—iron ore, nickel, salt, and others —must be bringing in great wealth to Western Australia.

I maintain that some portion of this wealth should be ploughed back into the very ground from which it came. I should point out that within a 20-mile radius of the Perth Town Hall no raw materials whatsoever are produced. With the wealth produced from each particular commodity the trend should be to plough some of that wealth back for the benefit of the people, or the companies, concerned. This should be the responsibility of the State Government, irrespective of its political colour, to make sure that the requisite amenities are provided in the remote areas of the State. It should do this by putting back some of the wealth in the provision of schools, swimming pools, perhaps television in a few years' time, and other amenities which are so vital to make the people living in the outback happy. Unless we have a contented work force an industry would not be worth very much.

I have nothing more to say on this measure. I was going to say a lot but Mr. Stubbs has stolen my thunder. I have much pleasure in supporting the Bill.

Debate adjourned, on motion by The Hon. V. J. Ferry.

TRANSFER OF LAND ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.11 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide certain minor amendments which will permit the introduction of a new system of registration of documents in the Land Titles Office.

The increase in volume in recent years and the shortage of available space in the existing premises make it necessary for a change of system if the work is to be contained until additional accommodation is available in the new building which is to be erected in Cathedral Avenue.

Recently a survey of the office methods and procedures was conducted by a firm of business consultants, and one of the recommendations was that consideration should be given to changing the system of registration of documents. An organisation team selected from officers of the department has been working on this matter for some time, and it is hoped that a new system will commence to operate within a short time. The amendments proposed are minor and will in no way affect the security of documents.

It is proposed that the use of facsimile signatures will be accepted as evidence of registration; that certain requirements requiring copies of documents to be perforated be eliminated by the use of rubber stamps; and that the signing of register books by the registrar be discontinued.

Concurrently with the introduction of the new system of registration it is proposed to introduce a new system of providing for the issue of a separate certificate of title for each lot contained in a plan or diagram submitted for registration. These certificates, which will be produced by offset printing, will reduce the delay in processing documents occasioned by a number of registrations each requiring the use of the same plan or diagram. They will do away with the necessity for partially cancelled certificates of title which retards the flow of work when a number of transactions affecting the same certificate of title are in course. The new system will also require the registrar to be empowered to fix a time within which defective documents shall be corrected. This time will be determined according to the circumstances of each case.

For security reasons it is also proposed in the case of some documents to supply photostat copies of same. This will require an amendment to the provisions which provide that any person may inspect the register book; the photostat copy of the document will be sufficient evidence of the details. The Public Service Commissioner's Office, through its organisation and methods section, has been involved in the design of the new system.

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

STRATA TITLES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North-Metropolitan—Minister for Justice) [4.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Strata Titles Act to overcome difficulties being experienced by some persons desiring the issue of strata titles for home units.

The demand for the original legislation came from people who had acquired or wished to acquire title to a unit in a multi-storied block of home units. However, limitations of some provisions of the Act have created problems and caused some embarrassment to persons who have been unable to obtain a strata title for a home unit.

The main problem is due to the obligation for the issue of a certificate by a local authority that the building complies with the building by-laws of the authority for

the time being in force at the time when the strata plan is lodged for registration in the Titles Office.

On the 11th March, 1966, the uniform by-laws made under the Local Government Act were amended. As a result, buildings which complied with the by-laws at the time building permits were issued do not meet the requirements of the by-laws at present in force. The local authority is, therefore, unable to issue the certificate required under the provisions of the Local Government Act.

It is proposed to allow the local authority to issue the necessary certificate in respect of any building which in its opinion is of sufficient standard or suitable for strata subdivision. This will overcome the difficulty and ensure maintenance of building standards suitable to the appropriate local authority. An appeal to the Minister for Local Government is to be allowed against any refusal by a local authority to issue a certificate under the Strata Titles Act.

There is some doubt whether the present provisions of the Act are restricted to single buildings only. Some developments provide for multiple buildings and cluster or unit development of single-storied buildings. Extension of the provisions of the Act have been agreed as reasonable by representatives of the Local Government Department and the Town Planning Board.

The need for the approval of strata plans by the Town Planning Board is to be deleted. The board is of the opinion that it is only concerned with the subdivision of land and not buildings. Under the circumstances its approval is not necessary. However, it is intended to make it clear that the board's approval is required to any disposition of common property either by way of transfer, mortgage, lease, or license to occupy. A right of appeal against the refusal of the board to give the necessary approval is provided.

The Bill also contains two clauses concerning procedural matters in the Titles Office. The increase in business consequent on the introduction of the provision to include single-storied buildings and cluster development makes it necessary to allow an assistant registrar to perform some of the functions of the registrar under the Strata Titles Act.

It is also necessary to ensure that certain provisions of the Transfer of Land Act should apply to strata titles. These would include covenants implied in such documents as mortgages and leases which should have application to strata titles.

Members are aware of the difficulties that are at present being encountered and it is considered the amendments now submitted should remedy those problems. I commend the Bill to the House.

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

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT BILL

Second Reading

Debate resumed from the 17th April.

THE HON. F. J. S. WISE (North) [4.20 p.m.]: It has become almost a custom for members, on rising to speak, to say, "I rise to support the Bill."

The Hon. A. F. Griffith: I hope you are not going to depart from the usual custom.

The Hon. F. J. S. WISE: I am going to depart from custom. Members can gather what I think of the Bill as I proceed.

The measure deals with the establishment of a big industry in one of the most remote parts of Australia. As far as accessibility by land is concerned, it could perhaps be said to be the most remote part. Let us have a look to see just where it is. It is in a region almost inaccessible by road or track from the south, and accessible by a track for only a month or two of the year from the north-east. The nearest point where there is a main road would be Gibb River. From there the terrain is very mountainous with a serious escarpment formation and bad rivers to cross. The country is no different today in regard to accessibility from what it was when F. S. Brockman, as a surveyor-explorer, went through the region in 1901. He said he found it impossible to get by foot to the coast from the line just north of Mount Hann.

It is certainly in the North province, and in an area which has had very little interest taken in it until the suggestion of mineral exploration was made. Port Warrender itself was named by King in 1819, when he operated from the Swan River settlement, and he described it as a harbour of great prospect, and very expansive.

Access by sea is a different prospect from access by land. When our present Surveyor-General went through a few years ago to explore the country lying south of Napier Broome Bay, and on the Carson River, as a prospect for pastoral settlement, he did not use a four-wheel drive vehicle because such a vehicle would have been of no use to him to get over some of this country. He rode on horseback, and members may, if they desire, refer to Mr. John Morgan to verify that statement. That is how difficult the terrain is.

It is possible only from June to October to venture successfully into that country by foot, horse, or—under difficulties—by four-wheel drive vehicles.

With regard to any improvement in road access, it would be true to say that the State Government could not finance the

building of a highway of any grade, and the whole road access question poses a problem of very great magnitude. The broken ranges are certainly uninviting and inhospitable. Some members have flown over part of this region when travelling from Wyndham to Yampi. Some of the country to the north is flat, but this particular area is so rugged that it is almost too difficult for a butterfly to land.

Regarding access by sea, the study I have been able to make in the last few days of the hydrographic reports of the region clearly reveals that no problem is likely to arise to prevent good approaches to the land from more than one sea lane. One authority has advised that though harbour construction, because of the geographical situation and distance will be costly, it is likely to be cheaper to establish than the port complex was at Port Hedland. I have been told that by a harbour engineer in recent days. It has the prospect of being a superior port to Port Hedland.

I think it was the Minister in this House who said there are two port sites with excellent approaches where 50 feet to 60 feet of water will be available at low tide, and that very close to the shore. Tidal fluctuations have been studied at Malcolm Island in the gulf, and those indicate nothing formidable in the tide rise and fall in that region.

In addition, this area is peculiarly situated with regard to cyclones. It is slightly north of where the curve inland occurs and slightly north of the usual course cyclones take from the sea. I am advised by meteorological officers that it is very satisfactorily situated in that regard.

That is a brief picture of the nature of the locality where it is proposed this industry shall be established. It is remote, unpopulated, and undeveloped. It is within the region which Sir James Connolly proposed in the 1920s should be developed. Indeed, in England, where he was one-time Agent General, he tried to encourage British financiers to form a colony based at Camden Harbour, 100 miles to the south of this point in Admiralty Gulf. He was prepared to give this country to British interests if they would spend the money necessary to promote harbour and inland development.

Now we have presented to Parliament a Bill to ratify an agreement with a company which has already spent $1,400,000 in testing many aspects. Under the Bill this company is to be authorised to develop the mining of bauxite, refine it, and later smelt it into alumina. It is expected that once the company has reached full production and is involved in the smelting stage, and has reached the peak of 1,000,000 tons of alumina per annum for export, it will have spent $300,000,000.

I think it must therefore appear to any average citizen, or to any parliamentarian, that one would be hard-pressed to find reasons to oppose the prospect of development in such a region at no expense to the State. That is the attitude with which I approached the subject. What is it worth to the State to have this work done at no expense to the State either from its own present revenue resources or from borrowed money?

What is it worth to the nation of Australia to have a harbour developed, to have established a settled community and a big industry, including smelting of exportable products together with the prospect of new ancillary industries? Indeed, there is the prospect of a fishing industry and other vital industries being established. We must come to the conclusion that surely this represents a great income-yielding prospect, on any basis of examination, from what is a latent asset in this State.

I pose the question: In the light of what I have said, can the State be too generous in giving attractive conditions to people who are prepared to go and develop such an industry in such a place?

I propose to examine the project and the Bill from two angles. Firstly, I will examine the objective of the Bill which is to submit a scheme to permit industry and development in a remote area of Australia. Secondly, I will examine the manner of reaching that objective in the way proposed by the legislation.

To achieve the objective, the company has very great responsibilities. In the initial stages the company has certain obligations which are referred to in the agreement as phase one. Under this phase the company has the responsibility of continuing engineering studies, pioneering and geological inspections and developments, and to study the financial aspect with which it is requisite that the company should be very closely in touch. Further, the company has to keep the State fully informed of every move it makes and has to ensure that there will be co-operation with the State by all its officers, including consulting engineers. Next, the company has to submit to Cabinet by the 30th June proposals in respect of its plans of development. There is the prospect that if the plans are not completed at that time, extension to the 30th December may be granted.

In addition to that, under the agreement the company must have its plans completed within the current year in any case with respect to proposals for port development to accommodate ships of up to 30,000 tons for loading bauxite and alumina. Also preliminary plans must be submitted for the extension of port facilities to take 60,000-ton ships.

The company must establish bauxite and alumina transport facilities. It must give consideration to townsite facilities, and

plans for this must be prepared under regional development arrangements. Further, the company has to establish an alumina refinery and any other works required.

In that initial stage, I suggest to members it is very easy to contemplate how $300,000,000 may be spent or dissipated over 42 years. It is not very difficult to imagine how the money may be spent.

The proposals are to allow for refinery facilities for alumina to the capacity of 200,000 tons by the end of the third year, and 600,000 tons by the end of the tenth year. Also, during the first three years from the commencement date a quantity not exceeding a total of 3,000,000 tons of bauxite must be developed.

I would point out that the area in this remote region is not like the area at Gove in the Northern Territory, where bauxite is mined, which area I know, or with the area at Weipa on the Cape York Peninsula. At both Gove and Weipa mining is carried out in a consistent open-cut on areas of land which are completely contiguous.

The area in question in this State is in four different regions, as members will know if they have had the opportunity to study the plans. The four regions are of different acreages and are located in very difficult country. These are the areas where the product has to be mined by the company and treated in accordance with the agreement.

The royalties which will be charged are mentioned in the agreement. It is proposed that the following royalties will be charged on the mineral:—

(1) On bauxite shipped—12½c per ton.

(2) On bauxite used in the refinery—7½c per ton.

(3) On special grade bauxite for refractory and special purposes shipped to points within the Commonwealth—25c per ton.

(4) On special grade bauxite produced for refractory and special purposes shipped outside the Commonwealth—40c per ton.

How are we, the members of this Parliament, to determine whether the basis of such royalties is generous or harsh? For my part, I am not in a position to say whether they are too much or too little. However, they do seem to be realistic if only from one point of comparison alone; namely, they are comparable with other levies which are imposed in other States of Australia. I am referring to levies which are imposed for the same material in less remote and more accessible areas in other States of Australia. As I have looked at similar situations in Tasmania and in Queensland, I am quite sure that Western Australia is not being unduly harsh in seeking these royalties and, so far as I can gather, the company is not getting a better deal than other companies have had in better circumstances.

I think it is interesting to comment upon the total area of the leases. The agreement shows that the leases, in total, cover 1,500 square miles which is substantially the same area as the maximum pastoral lease in the Kimberley. In that case the area is 1,000,000 acres, and the area involved in this legislation is 960,000 acres. If members look at a map of the Kimberley they will see that the area of country involved is not very much greater than the one which Western Australia would have been pleased to give to somebody only a few decades ago if that person had been prepared to develop industry or encourage production on it.

When the company submits the plans either in June or December it must be in a position to state how the work, which it is obliged to carry out under the agreement, will be undertaken.

The Bill, and the schedule to it, contain a very interesting proposal with respect to the regional facilities that must be provided. These are very different in this agreement from those which obtained in other agreements which have been decided by the Parliament in connection with other companies. The Minister used the phrase, "The supply of infrastructure." Of course, "infrastructure" is a nice word and its meaning is denoted by the derivation. Completely separate from the industrial activities of the company is the provision of housing, schools, hospitals, the supply of power, complete town facilities, and roads of access. All of this is to be brought about in a difficult climate, and the facilities are to encompass all the needs of an isolated hard-working community which my friend, Mr. Garrigan, referred to a few moments ago in connection with another Bill.

Members will appreciate that it is necessary to provide all amenities for hard-working communites in isolated areas. It must be conceded that the costs of the infrastructure are expected to be very high. The Government has stated quite bluntly and frankly that it cannot face the enormous cost from State funds or State borrowings. Evidently, too, the company has many qualms in connection with the regional development problems. The schedule to the Bill sets out what is to be expected in that connection, but it is not at all practicable to be specific in so far as how the regional development authority is to operate. It will be encompassed by an Act of Parliament to be referred to this House and to another place. The definition will be found on page 6 of the Bill where it is clearly stated what is to be expected in regard to regional development by the authority constituted under an Act of Parliament.

Perhaps great expectations will be entertained that many of the financial institutions and organisations in Australia which have access to money—such as insurance companies and the like—will be prepared to invest moneys over a 42-year term in order to assist the regional development authority. I cannot anticipate what is in the Minister's mind. The Minister has had a lot to do with the agreement and it is good to see his name on it. Without being too harsh, I think he does not get much of the credit which he deserves, in many of the matters which are developed through the Mines Department.

I do not know that we can do anything further than anticipate at this stage how the regional authority will work. One thing appears to be certain: it will not be a company town as obtains in other places.

Now, let us look at the Bill from another angle. It is framed in such a manner—and I make this very definite statement—that it could not have passed this Parliament in its present form a few years ago. The agreement, as signed by the parties, would not have been acceptable in this House and would have been rejected in earlier years.

I would like to state at this stage that I will not attempt in any way to amend the Bill or the schedule, and I will not vote against it. I approach the subject analytically rather than carpingly or unduly critically. In some respects the form of this Bill is repugnant; because the institution of Parliament is supposed to be respected as the paramountcy of law. The aspects I now wish to examine were not mentioned by the Minister. Subclause (2) of clause 3 of the Bill reads—

> (2) Notwithstanding any other Act or law the Agreement shall subject to its provisions, be carried out and take effect as though those provisions had been expressly enacted in this Act.

That is not exactly identical, but it is comparable with a clause in an earlier iron ore agreement. How far reaching is it? Does it mean that all Acts of Parliament, of which no mention is made in the agreement, may also be waived as are other Statutes by clause 3 of the agreement?

Does it mean that? It may be so interpreted, and if it is, it is limitless. However I can see, too, quite readily, that it could mean something quite different. I further concede it has not worked objectionably in Act No. 75 of 1964; that is, in the case of the Mt. Newman agreement.

The Hon. A. F. Griffith: Or in a number of the other agreements.

The Hon. F. J. S. WISE: It is not accepted in the other agreements to the same degree as in the two I have mentioned. But from the point of view of what I have called the paramountcy of Parliament, I do not like it, but I draw attention to it, because I cannot alter it. This House will not reject it. If a motion were moved to reject it I know where the voting strength would lie.

This is part of the trend in parliamentary happenings to which I will refer in a moment or two. The next clause in the Bill I do not like at all, and I will always object to any measure which seeks to waive section 36 of the Interpretation Act; which seeks to override the Interpretation Act, which Act is one of the safeguards of the people in all walks of life. If members are interested in studying this section more closely they will find it on page 215 of the *Standing Orders of the Legislative Council*, and if they do study it they will find that provision is therein made for a very specific action; that is, as to how regulations and by-laws shall be made; what shall be their process; how they shall be challengeable, and all the circumstances which are waived by this clause in the Bill.

The Interpretation Act makes very clear what precisely Parliament wishes to have in its framework, because section 3 of that Act reads as follows:—

> In the absence of express provision to the contrary, this Act shall apply to every Act of the Parliament of the State, heretofore or hereafter passed, and to every regulation made under any such Act, . . .

I contend in that particular, and in others which I shall immediately raise, that if Acts of Parliament have to be amended, there is only one proper way to amend them; that is, by amending Bills. It is quite wrong for Parliament, as is proposed to be done in the agreement in this Bill, to amend, make redundant, or vary in any way several Acts of Parliament.

I think that trend is most unfortunate. The overriding of the Interpretation Act is bad in law, bad in Parliament, and bad in a community sense. In this instance the company can make by-laws in regard to some particulars and Parliament has no chance of disallowing them, because section 36 of the Interpretation Act is made redundant.

I am deeply concerned about the importance to the State where, in repetition in Bills of this kind, we find the inclusion of paragraph (d) in clause 4 and other matters in this schedule about which I now wish to speak. However, before referring to that, at this point I would like a ruling from you, Mr. President. As I have said, I am about to discuss the schedule. Is there any limitation placed, in Committee, on a discussion of all the paragraphs in the schedule to the Bill? Can I, in Committee, raise all aspects of the schedule and all aspects of clauses in the agreement, or must they be discussed and debated only during the second reading stage, or in Committee on clause 3 of this Bill?

President's Ruling

The PRESIDENT: The honourable member has asked, as is his right, to discuss, in Committee, certain parts, or any part, of the schedule. My ruling would be that this Bill is before the House and the honourable member is quite at liberty to discuss every part he wishes to discuss.

Debate (on motion) Resumed

The Hon. F. J. S. WISE: Thank you, Mr. President. I know of a ruling different from that; therefore I appreciate that I may proceed on this clause to which I am addressing myself—that is, clause 3—and that I will be able to proceed to discuss the schedule in Committee.

This agreement goes further than any other in my experience in modifying, deleting, and amending sections of other Statutes. For the purpose of this agreement many Acts of Parliament are amended; they are Acts which should be modified or amended only by an amending Bill. If members will look at pages 9 and 10 of this agreement they will find that the Mining Act, the Land Act, the Transfer of Land Act, and the Public Works Act, shall be deemed to be modified and amended to the extent necessary to enable full force and effect to be given to this agreement.

There is provision to amend the Land Act in many particulars, but some of the proposed deletions and alterations are entirely unnecessary. Dealing with one in particular—the deletion of section 143—that section grants the Minister authority to approve that none of the provisions within that section need be complied with. That is the proviso to the section, but under this agreement we will take it right out of the Land Act. There is that deletion and many others which have crept into the agreement under this part. I have spoken on this subject on other Bills, but now we have at least three, and maybe four, special Statutes—not with a coverage as wide as this one—which, within the agreements attached to them, vary Acts of Parliament.

I do not think that that should be done in this fashion. Although this trend does appear in the Hamersley and Mt. Newman agreements, it is not quite right, and is a trend in parliamentary practice that is occurring in more than one Parliament. It is not confined only to the Parliament of this State, although the Queensland Parliament objected strongly, when legislation similar to this—Act No. 12 of 1965—was presented to it. To approve of this agreement, before it has been presented to Parliament unsigned, is the way we are now being asked to proceed with the matter. This is the trend that is developing in this State, as it is developing in Tasmania, although in a different way from the move that is represented by this Bill.

I realise the Executive is in a position to determine the matter, and Parliament is in no other position but to approve. That is our position and that, of course, is made easy when the Government has a majority in both Houses. However, I hold the strong view that Parliament should be trusted and not avoided in the interests of the electorate; that Parliament should be consulted and advised; that Parliament should be encouraged to be trusted, and if this were done I feel that the right thing for the State would always emerge.

At one end of the scale the Executive should have the right and authority to make decisions and agreements not repugnant to the authority of Parliament, but Parliament should be kept advised of such decisions, and the Executive should not knowingly or willingly demean the functions of Parliament. The public, through Parliament, are entitled to be advised of any variations in agreements. I know that one variation was made to an agreement which need not necessarily have been brought here, but it was brought here. So if that is the attitude, it is the right one, but even though a Government is not obliged to do these things, it is proper that the people, through Parliament, should be so advised.

The Hon. A. F. Griffith: And as a demonstration of good faith.

The Hon. F. J. S. WISE: That is right. I hope that, although breathed into some of these agreements there are ways of getting around certain things, other laws demand, I think, that the Government will not, as a practice, avoid any of such requirements.

I have mentioned the Queensland Act; an Act dealing with Alcan Pty. Ltd., which company is developing a somewhat similar undertaking, and in debate members of the Queensland Parliament strongly objected to the diminishing authority of Parliament which is a trend that started in the war years when absolute authority, for defence and national reasons, had to be given to the Executive. Why, even in this State we assumed authorities that Parliament readily gave. Indeed, Parliament extended its own life to avoid an election when a Labor Government was in power. We went for five years without an election during the war period—without a decision of Parliament—and throughout the whole of that period Parliament gave to the Executive authorities for the time being, many of which have remained in post-war years.

Although that was a basis for emergency action, that trend is still continuing, and I think it will continue in the future. I cannot see that it is wholly a bad thing, because I think the net result will be that whenever the authorities of Parliament are being diminished, the position will work

itself out, and this institution will be preserved in the manner it should be preserved, and according to the standards it represents.

The Hon. A. F. Griffith: Whatever the case may be, it has been a good thing for Western Australia.

The Hon. F. J. S. WISE: I do not know what the Minister means.

The Hon. A. F. Griffith: The results of the agreements have been a good thing for Western Australia.

The Hon. F. J. S. WISE: I am referring to the way they may be done, and the way they are done. That is the point of difference and that is the point I emphasise, and close attention should be given to it. As to what the Executive might do, there have been suggestions which have been very wide apart. For example, one authority suggests that no Bill should be introduced except in skeleton form and the Minister be called upon to fill in the gaps by making by-laws and regulations to be passed in Parliament. That is one of the suggestions and it is a subject to which I have given much thought and study, but one might also give expression to the law as expressed by Lord Cecil. He suggested, "That the growing power of the Cabinet is a danger to the democratic constitution of this country."

These remarks are very pertinent to raise at this time. They refer to a subject very vital indeed to the British House of Commons at the moment. In a very recent review of parliamentary reform it was stated that Cabinet is too omnipotent and there is an urgent need for a compromise between liberty and authority; between Parliament and Government. This trend of the enormous authority of the Executive in many countries suggests to me that it is likely to continue.

I would like to make some very pungent comments on that subject, but I am conscious of the hour and the circumstances and I will not make them at this stage, or on this Bill. However, I would say that this trend will work out its own limitations if it continues. It is a very important factor that there is no curbing of the rights of members anywhere in examination of Bills and in their duty towards them, and for a Government to be a good Government it must be fair to all members and above all ensure that it keeps a deep respect for Parliament.

May I make this suggestion to the Government: with the trend of Executive domination I believe we are losing the services of a great asset which Parliament has—the asset of the back-bencher; the man who, if not told not to speak, is discouraged from doing so, especially on contentious matters in case he puts his foot, or the Government's foot in wrong. I would like to see an elaboration of the parliamentary committee system to the degree that the talent that is in the back benches would have the opportunity not only to understand the laws that are being made, by taking a greater interest in them, but also would be able to examine the laws that have been passed and the effect of such laws.

If such committees were established I could imagine a situation where all of the agreements of the kind we are now debating would be handed to a special committee and the members of that committee would be asked to investigate the things that were considered to be wrong, dangerous, overgenerous, or too restrictive. By this means back-benchers would be able to get an understanding of the type of law we are interested in, and are making; in addition, they would be able to make a contribution by a report to Parliament on the validity of certain actions and the value of the agreements that might be submitted to such parliamentary committees. I can think of many subjects to which special committees from both Houses would be able to give great attention. This system would enable the members of those committees to take a greater interest in our legislation; they would derive great happiness from their service as parliamentarians and therefore would be able to make a greater contribution to this community. I suggest to the Government that much more thought could be given to the suggestions I am making.

If we are to make an effective use of the talents of those who rarely speak, and who have no inducement to pick up a Bill such as the one I have in my hand, and talk about it, and examine it, we should give them the opportunity to put their talents to work. I think these members should be given the incentive to examine legislation that is placed before us, to make a comment upon it, and also upon its effects.

I would conclude on this note: If I have appeared to be aggressive and overcritical, that was not my intention. My endeavour was to draw attention to things which I believe, in the presentation of Bills of this kind, are wrong in the light of the laws that exist. If our laws are to be infringed or waived, let those laws be properly amended.

I wish this company every possible success. I am pleased with the prospect of a community in this remote place. The people there will never have a chance to vote for me but I see a thriving and happy community giving much service and producing much wealth for this State. I strongly support the objective and I have tried dispassionately to discuss the methods used in the Bill, and in parts of the agreement, to which I cannot agree.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.4 p.m.]: I was very pleased indeed to be able to listen to the speech made by Mr. Wise; I was pleased with his analysis of the Bill

and its schedule; I was pleased with his almost unequivocal support of the schedule and its objectives; and I was not displeased to listen to his criticism of some portions of both the Bill and its schedule.

I think I should divide my somewhat brief remarks into two parts; not that I have to defend the schedule to the Bill and its objectives, because the honourable member did not put me in the position of having to do so. However, on the other hand I think I should answer some of the criticism he made in respect of the manner in which the Bill was brought before Parliament and, in fact, his criticism of certain clauses of the Bill itself as distinct from the schedule.

Let me say right from the start—and may I express a personal point of view—the Government and this House is not losing the talents of private members through any fault of the Government. The Government might be losing the talents of some members of this House through the fault of the members themselves; because there is nothing to stop any member making the same analytical approach to this piece of legislation as Mr. Wise did. The same would apply to the many other pieces of legislation that are brought before this Chamber from time to time.

I have been here now for 10 years—I suppose some people would say that is too long.

The Hon. R. Thompson: I would agree!

The Hon. A. F. GRIFFITH: In those 10 years I have seen a large number of Bills go through this House. I have seen many of them criticised objectively, and some not so objectively; but, nevertheless, they have been criticised. I have seen some Bills have a rather rocky passage through the Legislative Council.

The Hon. F. D. Willmott: And some of them have not been passed.

The Hon. A. F. GRIFFITH: I just heard from behind me the remark I was about to make. I was going to say that some measures did not get a passage at all: they flew straight out of the window of the Chamber.

The Hon. W. F. Willesee: Not since you have been over there.

The Hon. A. F. GRIFFITH: I am glad the honourable member is conscious of that. However, the idea of presenting to Parliament Bills which have schedules incorporating agreements attached to them is not new. With all due respect, I say to Mr. Wise—

The Hon. F. J. S. Wise: I did not say that. I have introduced many of them myself.

The Hon. A. F. GRIFFITH: With all due respect to the remarks made by Mr. Wise that this was a new trend with legislation of this nature, I do not think that is so. The fourteeenth edition of *Sir Erskine May's Parliamentary Practice* refers to the ability of the House to amend schedules to Bills. In fact, that edition states that schedules cannot be amended. It states that it is possible to amend the clauses of a Bill which a schedule accompanies, but it is not possible to amend the schedule. So the concept of introducing an agreement made between the Government—the word "Executive" has been used in place of the word "Government"—and some other party is not new.

On one occasion somebody said to me, "When did this sort of thing start?" I replied, "I am not quite sure but I know that it made a start in 1956 when the Premier of the day, Mr. Hawke, put his signature to the Esperance land agreement."

The Hon. W. F. Willesee: What was the basis of the Kwinana set-up? Wasn't that an agreement? It was before the Esperance agreement.

The Hon. A. F. GRIFFITH: Sure it was. However, the example I give proves that various Governments do this sort of thing. I was not citing that case in a critical way.

The Hon. W. F. Willesee: You said that one was the first one you knew of.

The Hon. A. F. GRIFFITH: That was the first one I had. The honourable member should not split straws over this.

The Hon. W. F. Willesee: I am not splitting straws. I am just answering your query.

The Hon. F. J. S. Wise: That is not the point we were developing. It was not so much the fact that schedules are brought down with Bills as what is in the schedules.

The Hon. A. F. GRIFFITH: Perhaps I could develop my own theory on this point. The only reason I have referred to the Esperance agreement is because I have heard it said, not in regard to this Bill but in regard to other Bills, that the Government has signed an agreement and that the variation clause is too wide.

Mr. Wise made a slight reference to that matter this afternoon. He said that anything could happen and Parliament and the people would not know anything about it. The same sort of variation clause was written into the Esperance land agreement—that any obligation or right under the provisions of or any plan referred to in this agreement may from time to time be cancelled, added to, varied, etc., by agreement in writing between the parties. So the principle regarding a variation clause was adopted in that instance. That is the only reason I quoted it.

The Hon. F. J. S. Wise: I did not criticise it.

The Hon. A. F. GRIFFITH: I am not saying the honourable member did; but the point I am trying to make is that the principle is not new. In the light of the

development that is taking place in Western Australia I think this sort of agreement is becoming most necessary. It enables those representing the State to sit on one side of the table and negotiate an agreement with the representatives of a company which is interested in a particular project sitting on the other side. I can assure members that that, literally, is what happens. If members had been present at some of these discussions, as I have had the pleasure of being—and sometimes I have not thought it was a pleasure—they would see that that is what happens. In this instance a very remote part of the country is involved and had we not encouraged the company that is a signatory to this agreement no development would have taken place.

It is interesting indeed to hear Mr. Wise say some years ago an Agent General said that the best thing to do with this part of the country would be to give it away.

The Hon. F. J. S. Wise: That is what was said.

The Hon. A. F. GRIFFITH: I would not give it away. It might be said, in terms of money, that we are giving it away, but we are making it available to a company, under strict terms and conditions, and that company will develop the area and invest the huge sum of money referred to by Mr. Wise. The company will promote an industry which will undoubtedly be for the very great benefit of Western Australia.

I have said before, and I repeat it: the important point in discussing industrial agreements is the spirit in which they are negotiated. I think it would be fair to say that because these agreements will be in existence for a long time it will be the responsibility of some future Government to carry on with the State's obligations. These agreements are negotiated with the State trying to get the best it can for the people of Western Australia, and the company, on the other hand, trying to work out a viable proposition—one which will enable it to make a profit, bearing in mind the money involved which, in many cases is considerable, and the risks it has to take. Because of this it is not unreasonable that the rewards should also be great and of some benefit to those who are investing in operations of this nature.

We have had a great deal of success—and I do not say "we" in an egotistical sense. I refer to Western Australia. The State has had a great deal of success as a result of these agreements. I know, from reading *Hansard*, that in another House there was violent opposition to one or two terms of the agreement. One honourable member asked how many industrial agreements had been made and how many of them had been varied. Mr Wise gave us the information this afternoon: in respect of these agreements there has been only one variation, and that was brought to Parliament for ratification.

That was to the Hanwright agreement. The variation of that agreement gave prospects to the State of even greater development than the original agreement that came before Parliament. So, I repeat: there is a good deal of faith on both sides when the Government and a company enter into negotiations of this kind for the development of such an area. I believe this particular company will make every endeavour to ensure that it does get to the point where this proposition is viable so the company can go on to produce bauxite, alumina, and, ultimately, aluminium.

As Mr. Wise said, there is no question that if this comes to pass it will be of great significance to the State of Western Australia and its people. I do not see how agreements of this kind can be negotiated in any other way. In past years I have heard it said in this House that an agreement should be brought to Parliament as it is being negotiated so that members can have a look at the various phases of the negotiations. That would be quite an impossible task. I think it would have been just as impossible to bring the Kwinana oil refinery agreement to Parliament, the Esperance land settlement agreement, or any of the other agreements of recent years.

It is necessary to have some sort of contracting out—if I can use that expression—of some of the sections of various Acts, particularly in respect of regulations, because the regulations to be made under an agreement of this kind are not the usual type that one would expect. They will be regulations of an operational nature. I am not sure of my ground on this point, but I think I can remember some years ago satisfaction being expressed in regard to regulations on the understanding that provision was made for them be tabled in Parliament for the perusal of members.

I think the regulation-making power usually states that regulations shall be tabled within six sitting days of such House next following the publication of the by-laws in the *Government Gazette*. Regulations to be made under this agreement will not really be made by the company. The company will make representations to the Government in respect of the regulations it requires, and these will be formed in consultation with the Government of the day, their purpose being to make the agreement work. After agreement is reached, they will be published in the *Government Gazette*.

I would like to make this comment: I am pleased to know of Mr. Wise's attitude towards this agreement. He is a man who knows this country, who knows the possibilities of this sort of country, and who knows that without an agreement of this nature we would not obtain the development in this area that we hope for. I am pleased to know his attitude towards royalties under this agreement. He asked, "Are they generous or harsh?" And he

said, "They cannot be harsh because they are in keeping with the royalties imposed by the other States of the Commonwealth in agreements of a similar nature."

I would like to make a further comment about the area of the lease. It is a considerable area of ground—1,500 square miles—and, as Mr. Wise said, this bauxite deposit lies over quite a large stretch of country. It is a lateritic deposit which means it extends not at great depth, but at shallow depth. Therefore, in order to obtain the amount of bauxite ore necessary to make this a viable proposition, it is necessary to chase the mineral over quite a considerable distance.

I conclude my remarks on that point, once again thanking Mr. Wise. It seems obvious, Sir, from the question you asked Mr. Wise, that he is likely to question the schedule—that is, the agreement.

The Hon. F. J. S. Wise: One clause only; I will take only one minute.

The Hon. A. F. GRIFFITH: I was going to say that if the honourable member wants to debate the schedule at length, I will not enter into that situation this afternoon. However, I am now encouraged to go on. For the fourth time, I think, I thank Mr. Wise for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 put and passed.

Schedule—

The Hon. F. J. S. WISE: I wonder whether the Minister could give the reason for emphasis being placed on the company being allowed to take seawater free. Can he tell me what is meant by that expressed opinion on page 29, paragraph (b), of clause 10?

The Hon. A. F. GRIFFITH: The best thing for me to say is that I do not know.

The Hon. F. J. S. Wise: It seems strange to emphasise it, because you do not charge for seawater in any case.

The Hon. W. F. Willesee: Must be looking a long way to the future!

The Hon. I. G. Medcalf: It could be an act of generosity!

The Hon. A. F. GRIFFITH: Apart from its being an act of generosity, I think there must be a reason. I will find out the reason for the provision, and in explanation I will include the State's generosity if I am able.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2), 1969

Returned

Bill returned from the Assembly without amendment.

AIR NAVIGATION ACT AMENDMENT BILL

Receipt and First Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1969

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.28 p.m.]: I move—

That the Bill be now read a second time.

Section 374 of the Local Government Act provides for appeals against refusals by municipal councils to approve plans and specifications of buildings. The right of appeal is to the Minister who may uphold, reverse, or vary the decision of the council and make such order as he thinks fit; and the order of the Minister is final and not subject to appeal.

There are many instances where appeals are lodged, frequently with the concurrence of the council, against refusals to grant building licenses where the by-laws of the council would be contravened if a license were granted, but where the reasons for non-compliance with the requirements are insignificant. For instance, the by-laws require that for certain buildings the frontage shall be 66 feet and occasions arise where the dimensions of a block include a frontage of only 99.5 links. I know it is getting close to the mark, but it does happen. It has always been accepted that it is desirable that a discretionary power to vary the by-laws, in the interests of common sense and natural justice, should be vested in the Minister.

However, in a recent Supreme Court case, the Queen *versus* E. M. Smith and E. L. Harley *ex parte* Fernando Crugnale (appellant), it was indicated, by comment only, that no right of appeal existed for the Minister to vary the legal minimums imposed by the regulations. At this stage

I would like to correct information given by *The West Australian* last Friday in this regard. The article stated as follows:—

> The circumstances echo those last year when the Supreme Court quashed Mr. Logan's authority to reverse a decision by the Albany Town Council.

The Supreme Court was not dealing with any decision made by me; it was dealing with a decision by referees who included Mr. Smith and Mr. Haley. Therefore, the opinion contained in the article is wrong. It was not my judgment that was being discussed, and no decision of mine was quashed. I thought I had better put the record straight.

To continue, this decision has received a considerable amount of publicity, with the result that decisions of the Minister, in cases where it is clearly within the public interest that an appeal should be upheld, have been challenged. This Bill which contains only one main clause is to amend section 374 by adding a new paragraph to subsection (2) to enable the Minister to modify the application of a uniform general building by-law.

It should be noted that in respect of other by-laws made under section 190 of the Local Government Act, it is permissible for by-laws to be so made as to delegate to or confer upon a specified person or body, or class of persons or bodies, a discretionary authority. Failure to pass this measure would have the effect of creating cases of undue hardship if the strict application of by-laws were to be insisted upon on every occasion.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.32 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to amend the Coal Mine Workers (Pensions) Act, 1943-1965, in regard to an invalid pensioner under the Act being permitted to earn an amount of $17 per week from available employment without suffering a reduction in the pension benefit.

Section 7, subsection (2), at present provides that an invalid pensioner's entitlement under the Act is reduced by the average weekly amount which he earns until he attains the age of 60 years. The proposed amendment, as set out in clause 2 of the Bill, is to allow an invalid pensioner to earn up to $17 per week without suffering a reduction in pension.

Clause 3 of the Bill amends section 10A of the principal Act to bring it into line with the proposed amended section 7, subsection (2), by amending the amount of allowable weekly earnings from "seven pounds" to "seventeen dollars" per week.

It is realised that there are avenues of employment for such invalid pensioners which are acceptable under the terms of the Act, and it is reasonable to allow a pensioner to increase his income where possible.

It is the general policy to permit pensioners under the Coal Mine Workers (Pensions) Act to earn the same amount as a social service pensioner, without affecting their entitlement. The allowable earnings under the Commonwealth social services means test have been lifted to the figure of $17 per week.

The amendments proposed in this Bill will give effect to this policy. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.35 p.m.]: I move—

> That the House at its rising adjourn until 11.30 a.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 5.36 p.m.

Legislative Assembly

Wednesday, the 23rd April, 1969

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

ACTS AMENDMENT (SUPERANNUATION) BILL

Message: Appropriations

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Land Act Amendment Bill, 1969.

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

2. Pig Industry Compensation Act Amendment Bill.

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