

is necessary to delete the words "during his nonage", and I have moved accordingly.

The CHAIRMAN: It is a pity the honourable member did not hand this amendment in earlier so that we could check it. The only place where this could be inserted is in clause 10, which we have already passed. Clause 10 has already amended section 15 of the principal Act. The only stage at which the amendment could have been moved was when we were dealing with clause 10. At this stage of the proceedings I regret that I am unable to accept this amendment.

Title put and passed.

Bill reported with amendments.

ADJOURNMENT OF THE HOUSE

SIR DAVID BRAND (Greenough—Premier) [10.46 p.m.]: I move—

That the House do now adjourn.

With your permission, Mr. Speaker, might I remind the House that it is proposed we should rise between 4 and 5 o'clock on Thursday—4 o'clock would be an acceptable time. It is not proposed that we should sit in the week following Easter. I suggest that we will sit on Thursday nights upon resuming after Easter. Therefore, I advise members to clear their Thursday nights in order that we might shorten the session as much as possible.

Question put and passed.

House adjourned at 10.47 p.m.

Legislative Council

Wednesday, the 25th March, 1970

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

QUESTION WITHOUT NOTICE

RUBBISH

Perth Shire Dump

The Hon. W. F. WILLESEE, to the the Minister for Health:

I apologise for the length of my question, but as we are not sitting tomorrow, this is my only opportunity to obtain an early reply. Referring to the rubbish dump of the Perth Shire, bordering Woodrow Avenue, Dianella, inspected by Dr. Snow recently—

- (1) Is the Minister aware that after the bulldozers leave the site, further rubbish is dumped up to the hour of midnight?

- (2) This is contrary to the situation which existed during the visit by Dr. Snow when he inspected the site?
- (3) Will the Minister take immediate action to have an alternative dump created for Perth Shire ratepayers to use in view of the obvious disadvantage of the present location which is fronting a street of newly built homes?
- (4) Will the Minister take action immediately to have the existing dump closed as soon as possible in view of the high residential content in the area?
- (5) Is it not normal procedure to fill low-lying areas with rubbish—in areas of isolation, without housing?

The Hon. G. C. MacKINNON replied: Mr. Willesee rang me this afternoon to give me some notice of this question. I was not able to gain as much information as I would like, but I have an answer for him.

- (1) and (2) As a matter of fact, in company with Dr. Snow, I paid an unscheduled visit to the rubbish dump at noon today. At this time one bulldozer was working effectively covering all rubbish dumped, almost as soon as it was put in position.

I am not aware that rubbish is dumped after the bulldozer leaves, up to midnight, although I have been told that this is so. Of course, this would be contrary to standard practice and, if it is so, should be stopped by the local authority.

- (3) to (5) Whereas many refuse disposal sites are, in fact, remote from residential areas, as Mr. Willesee suggests, a number have been successfully established in built-up areas. With proper control of dumping and covering, and the reasonable co-operation of the public, this has been achieved with a minimum of disturbance to adjacent landholders. There are tremendous advantages to the ratepayers in the system now in use. Swampy or otherwise quite useless land can be converted at minimum cost to useful parks, playing fields, and the like. It is estimated

that rubbish disposal by the land-fill method reduces the requirements of sand and other fill by up to 80 per cent. There is, of course, the other point of cost. The cartage involved to take rubbish much greater distances to remote areas would be much higher. With proper control by the local authority, commensurate with the particular conditions, it is difficult to see any problems arising other than very short-term discomfort. It was noticed this morning that the local authority has already erected a 10-foot cyclone fence fronting the road and in front of which trees have been planted. Already the fill line is 50 feet back from this fence.

The inconveniences are temporary and will surely reduce as the land for the disposal area moves further from the road. This inconvenience will be compensated for by the establishment of a beautifully grassed parkland replacing the present somewhat untidy and swampy area.

The Hon. W. F. WILLESEE: Am I to take the reply given to my question to mean that the Minister condones what is going on in this area at the moment?

The Hon. G. C. MacKINNON:

"Condone" is not the word. A local authority applies for a land-fill area. There was no indication whatsoever of a health hazard at my inspection this morning. My inspection was quite unscheduled; in fact, the local authority still does not know that I made it. There was not really any discomfort. However, I can understand that this probably could be the position if the wind were to blow from the other direction.

I have tried to explain that rubbish disposal is a tremendously complex question. However, quite a number of parks and reserves in the metropolitan area have been created through the quite useful and sanitary method of land-fill disposal of rubbish.

Problems have been rumoured to me, such as rubbish being dumped by careless and inconsiderate people late at night and blowing around the area. Certainly this would be inconvenient to the residents of the houses on the opposite side of the road.

This matter comes quite easily within the control of the local authority and, if it is brought to the attention of the authority, I believe it would take some action to reduce this.

QUESTIONS (17): ON NOTICE

LANDS

1.

"A" Class Reserve No. 18324

The Hon. W. F. WILLESEE, to the Minister for Local Government:

- (1) Will the Minister advise details of the vesting order for "A" Class Reserve No. 18324?
- (2) How large is the area, and where is it situated?
- (3) Can it be used as a rubbish dump by the local authority in whom the land is vested?

The Hon. L. A. LOGAN replied:

- (1) Reserve No. 18324 is vested in the Shire of Perth in trust for the purpose of Recreation, with power to lease for that purpose for any period not exceeding 21 years.
- (2) The Reserve contains 51 acres 2 rods 22 perches. It is situated in the postal district of Coolbinia, abutting the southern alignment of Wordsworth Avenue, opposite Lots 13 to 36 (inclusive).
- (3) Provided the object in dumping the rubbish is for the ultimate purpose of levelling the land to enable it to be better used for the purpose of "Recreation", and the approval of the Commissioner for Public Health is granted.

2.

EDUCATION

Kensington Primary School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) Is it intended, during this school year, to proceed with the provision of a new office for the Headmaster at Kensington Primary School?
- (2) If "No" when will this work be carried out?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffiths), replied:

- (1) and (2) The work has been listed for the coming financial year but will be subject to funds being available.

3.

EDUCATION

Boulder Central School

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

- (1) Is the Education Department aware of the deplorable conditions of toilet facilities at Boulder Central School?

- (2) What action is to be taken to rectify this matter, and when?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) No.
 (2) These toilets are subject to regular maintenance inspection. Urgent repairs are carried out as necessary. In accordance with policy this school will be listed for comprehensive repairs and renovations in the 1970/71 programme and the toilets will be included in this programme.

4. EDUCATION

North Perth Primary School

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

Would the Minister advise—

- (a) what land it is proposed to acquire in order to enlarge the area of the North Perth Primary School; and
 (b) when acquisition of this land will be completed?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (a) It is proposed to acquire five houses facing Olive Street and immediately west of the present site.
 (b) One house has already been purchased but further acquisitions are dependent upon negotiations with the owners.

5. DAIRYING

Bulk Milk Collection

The Hon. V. J. FERRY, to the Minister for Mines:

- (1) In respect to bulk milk collection in this State—
 (a) how many tanks are now installed in licensed dairies;
 (b) how many bulk collection schemes are now in operation by treatments plants;
 (c) what is the quality performance of milk stored in bulk tanks on the dairy farms; and
 (d) what is the expectation of this method of milk handling being extended?
 (2) Of what importance does the Milk Board attach to the Free Milk Scheme for school children?
 (3) How many gallons of milk were distributed under the Free Milk Scheme for the year ended—
 (a) 30th June, 1968; and
 (b) 30th June, 1969?
 (4) What increase or decrease may be predicted for the year ending 30th June, 1970?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) (a) 83.
 (b) 7.
 (c) Satisfactory.
 (d) The conversion from can collection to bulk milk collection is now developing rapidly.
 (2) The Milk Board attaches great importance to the scheme because of:—
 The nutritional benefit to children.
 The promotional value in educating children to drink milk.
 The economic value to the liquid milk industry.
 (3) Pasteurised milk in one-third pint bottles or cartons delivered under the Free Milk Scheme totalled:—
 Year ended the 30th June, 1968—871,835 gallons.
 Year ended the 30th June, 1969—899,984 gallons.
 (4) An increase similar to the increase of 28,149 gallons last year.

6.

NORTH-WEST

Revenue from Industrial Concerns

The Hon. F. J. S. WISE, (for The Hon. H. C. Strickland), to the Minister for Mines:

With reference to the reply to part (4) of my question on Tuesday, the 17th March, 1970, relating to revenue from industrial concerns in the North West, stating that—

“The State has not borrowed any money from industrial concerns in the North West”—

and in view of the statement in the annual report of Hamersley Holdings Ltd. that—

“the advance of \$7,410,000 to the W.A. Government was made in connection with the supply of water to Dampier. The advance is repayable over fifteen years commencing when the Millstream pipeline is commissioned early in 1970.”—

will the Minister advise who is the Legislative Council to believe—the Government or the audited report of the company?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

The Government does not regard the financing of the Millstream water supply project as a loan because the State will not actually pay any cash from its own resources to Hamersley Iron Pty. Ltd. The company in its own internal accounting system apparently chooses to regard this as an advance or loan.

7. MILK BOARD

Deliveries to Noalimba Migrants Centre

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) Is milk delivered to the Noalimba Migrants Centre by a licensed milk vendor?
- (2) If "Yes"—
 - (a) who is the vendor; and
 - (b) when was the licence issued?
- (3) If "No" for what reason is the vendor not licensed?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) Yes, but the licensed milkman is not licensed for the Melville District 98 in which the Noalimba Migrant Centre is situated.
- (2) (a) Sunny West Co-operative Dairies Ltd.
(b) Answered by No. (1).
- (3) The needs of the district are adequately catered for by milkmen already licensed for Melville District 98. The only license which could be issued to authorise delivery to Noalimba Migrant Centre is a milkman's license which would permit delivery of milk to any customer in the District in competition with the existing licensees.

8. HOUSING

Kwinana Area

The Hon. R. THOMPSON, to the Minister for Mines:

- (1) How many State Housing Commission houses will be constructed this financial year in the Kwinana area?
- (2) In which localities will they be built?
- (3) How many will be for—
 - (a) rental;
 - (b) purchase?
- (4) Are any of these homes being allocated to companies situated at Kwinana on the "guaranteed rental scheme"?
- (5) If "Yes"—
 - (a) (i) which companies; and
(ii) how many houses will be allocated to each company;
 - (b) do the company tenants meet the criteria set by the State Housing Commission as to the wage and salary limits and allowances for each child?
- (6) Of the total number of State Housing Commission homes in the Kwinana area, how many are at present allocated to companies for letting purposes?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) 250 units which includes 50 individual houses.
- (2) Orelia and Parmelia.
- (3) Approximately 220 rental, 30 purchase.
- (4) No. Houses are allocated to State Housing Commission applicants, but approximately 50 per cent. of the rental accommodation available is allocated to eligible applicants employed by the Australian Iron and Steel Pty. Ltd. Vide Clause 20 of the Broken Hill Proprietary Company's Integrated Steel Works Agreement, 1960.
The Commission ensures that no rental project is occupied exclusively by Australian Iron and Steel employees.
- (5) (a) (i) and (ii) answered by (4).
(b) Yes.
- (6) Eight executive type houses under the original Oil Agreement.

9.

HOUSING

Rental Homes held by State Housing Commission

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

- (1) What is the present stock of rental homes held by the State Housing Commission—
 - (a) single residential; and
 - (b) others (i.e. duplex, flat units, etc.)?
- (2) On how many purchase homes is the Commission receiving payment?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) (a) and (b) Total present stock of rental units 16,960 (excludes Government Employees' Housing Act houses), (detailed figures for single residential, duplex and flat units are not readily available).
- (2) Homes currently being purchased under State Housing Act and Commonwealth-State Housing Agreements—12,799 (excludes 16,477 War Service Homes).

10.

MAIN ROADS

Transportation of Ore from Wingellina

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

- (1) With regard to the future transport of ore and concentrates from the Wingellina district of Western Australia—
 - (a) will this material be transported through Alice Springs to South Australian ports for shipment; and

(b) if so, will it be because the Western Australian roads in that area are inadequate for the use of heavy transport?

- (2) When is it anticipated that the Main Roads Department will repair and upgrade the road?
- (3) Can approaches be made through the appropriate channels to encourage the mining companies in the area to use a route through Laverton to Esperance for the transport of this material to a port?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) (a) and (b) Although a feasibility survey of the development of the Wingellina nickel deposit has been made for the company, no decision to proceed with development has yet been made; the matter is one of economics.
- (2) Although the prime responsibility for this road belongs to the company involved, the Main Roads Department will extend necessary co-operation.
- (3) The Government naturally wants the full advantage of any development of Wingellina to be gained for Western Australia and will make every effort to ensure that this is accomplished.

11. MURESK AGRICULTURAL COLLEGE

Students

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

- (1) What number of students can be accommodated at Muresk Agricultural College?
- (2) (a) What is the present student enrolment;
- (b) of these, how many are First-Year Students; and
- (c) how many, if any, are females?
- (3) (a) How many teaching staff and/or instructors are engaged full-time;
- (b) how many teaching staff and/or instructors are engaged part-time; and
- (c) how many are engaged as farm staff?
- (4) (a) What area of the farm comes under the direction of the College Principal; and
- (b) does the Spring Hill Estate, which the Agricultural Department is using for its cattle-breeding project, come under the control of the Principal, or is this area now excised from the College?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) 100.
- (2) (a) 45.
- (b) 27.
- (c) Nil, but arrangements are in hand for the enrolment of girls in Muresk for the first time in 1971.
- (3) (a) Establishment—1 senior lecturer; 5 lecturers.
There are 2 vacancies at present.
- (b) Nine, averaging 3 hours' teaching per week.
- (c) Seven.
- (4) (a) 2,220 acres with the Principal being advised by a farm policy committee.
- (b) The Spring Hill property has been excised from the College but the Institute has concluded a 3 year lease for an adjacent 1,000 acre property with an option to buy at the end of the lease.

12.

SWAN RIVER

Shore Access near Pelican Point

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

- (1) Is the Minister aware that the Royal Perth Yacht Club has continued its boundary fence below the tide line (ref. Land Act, 1933-1967, Section 16, subsection (3))?
- (2) Would the Minister request the Club to remove so much of the fence as would allow the public to enjoy access to the river shore around to Pelican Point?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) Yes. The fence was erected with the permission of the National Parks Board, in which Authority the Reserve is vested, as a means of protection against pilfering and vandalism.
- (2) No. A gate has been placed in the fence to allow public access to and along the foreshore and Pelican Point.

13.

WATER SUPPLIES

Bores in Drought Affected Areas

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

- (1) How many Government subsidised bores have been sunk for water in the drought affected areas of the State during the last twelve months?
- (2) Of these, how many were successful?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) 2,351 subsidised bores have been sunk on private properties and Government Reserves since September, 1969.
- (2) 219.

14. MINING

Activities on Pastoral Properties

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

Can action be taken to drastically increase the amount of compensation payable to pastoralists for the impairment or loss of livelihood brought about by the activities of mining companies and others associated with the mining industry, who in some instances have rendered some pastoral properties almost useless?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

Under the provisions of the Land Act, compensation is payable to pastoralists only where portion of a pastoral lease has been resumed.

15. MAIN ROADS DEPARTMENT

Staff from Overseas

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

- (1) Were a number of professional officers recruited by the Main Roads Department from the United Kingdom in 1963?
- (2) If so, how many were recruited?
- (3) How many of those recruited are still employed by the Department?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

- (1) Yes.
- (2) 20 engineers; 2 surveyors.
- (3) 7 engineers; 1 surveyor.

16. INSPECTION OF SCAFFOLDING ACT

Provisions Relating to Residential Buildings

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

As the 1969 Annual Report of the Department of Labour at page 42, states that the single storey residential buildings outside the metropolitan area are not notifiable in accordance with the Inspection of Scaffolding Act, would the Minister explain the reason?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

Regulation 6 (4) of the Scaffolding Regulations made under the Inspection of Scaffolding Act,

1924-1962 exempts single storey dwellings outside a radius of 30 miles from the G.P.O., Perth, from the requirements of notification and payment of fee.

The Scaffolding Inspectors have jurisdiction to remedy defective scaffolding on any works, including dwelling houses in country areas.

17. EDUCATION

Pedestrian Crossing near Gosnells Primary School

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

In order to relieve the anxiety of the parents of children who have to cross Albany Highway in order to attend the Gosnells Primary School, will the appropriate Government Department carry out an investigation at the intersection of Verna Street and Albany Highway, with a view to establishing a manned pedestrian crossing at this point?

The Hon. L. A. LOGAN, (for The Hon. A. F. Griffith), replied:

Yes.

BILLS (6): INTRODUCTION AND FIRST READING

1. District Court of Western Australia Act Amendment Bill.
2. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
3. Coal Mine Workers (Pensions) Act Amendment Bill.
4. Interpretation Act Amendment Bill.
5. Health Act Amendment Bill.
Bills introduced, on motions by The Hon. G. C. MacKinnon (Minister for Health), and read a first time.
6. Metropolitan Region Town Planning Scheme Act Amendment Bill, 1970.
Bill introduced, on motion by The Hon. L. A. Logan (Minister for Town Planning), and read a first time.

STATUTE LAW REVISION BILL

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

WILLS BILL

Report

Report of Committee adopted.

POLICE ACT AMENDMENT BILL*Second Reading*

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.3 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Police Act in two quite different respects. The first aspect, that of administrative discipline, is dealt with by amendments which are proposed to sections 23 and 24 of the Act. The other aspect, which deals with the unlawful removal of boats, entails the amendment of section 81.

The two earlier mentioned sections are concerned with penalties that may be imposed on non-commissioned officers and police officers of the rank of constable convicted of a disciplinary charge in the areas of insubordination, neglect of duty, and misconduct against the discipline.

Section 23 provides penalties that may be imposed on non-commissioned officers and at present has the following range of penalties:—

- (i) a fine not exceeding \$30;
- (ii) power to order reduction in rank; and
- (iii) power of discharge or dismissal from the force.

Section 24 deals with like matters in respect of police officers of the rank of constable and the penalties that may be applied on conviction are as follows:—

- (i) a fine not exceeding \$20; and
- (ii) power to order discharge or dismissal from the force.

It will be apparent to members that neither section gives the commissioner power to caution or reprimand. The omission of this can result in quite unsatisfactory circumstances, which can be obviated by the amendments now proposed.

Appropriate amendment is facilitated by the recent introduction of two new ranks; namely, senior constable and first-class constable. This occurred early in January of this year and points to the reason why heretofore the commissioner had no alternative but to fine an officer of the rank of constable, or dismiss him, because there was no suitable junior rank to which he could have been reduced as a disciplinary measure.

The introduction of the new ranking system has, as I have mentioned, facilitated a desired amendment to the Act, which will enable the penalty, when applicable, to require the reduction, for instance, of a senior constable to the rank of first-class constable and an officer of this latter rank to be reduced, if considered a desirable disciplinary expedient, to the rank of constable.

Turning now to proposals for the protection of watercraft, I am sure that we are generally aware that the value of commercial and pleasure boats now commonly in use is such that greater protection is required under the provisions of the Police Act to guard against theft or damage.

The maximum penalty presently prescribed under section 81 of the Act is a fine of \$100 or imprisonment not exceeding a period of six months. When we have regard to existing pleasure craft valued at \$30,000, and fishing craft of a similar valuation, it becomes apparent, I think, that the penalties are completely inadequate.

The amendments now proposed envisage a person found guilty of an offence under this section being liable to a fine of \$500 or imprisonment for two years.

The monetary penalty is the same as that contained in paragraph (i) of subsection (1) of section 60 of the Traffic Act and the suggested term of imprisonment is similar.

A related amendment has regard for some technical limitations presently appearing in the wording of the section. The section reads—

Every person who in any of the waters of the State shall remove any boat, flat or barge from its usual anchorage or mooring or from the place where the same shall have been last left by the owner or person in charge thereof or his boatmen or servants, or who shall remove out of any such vessel any mast, sail, or other furniture, or shall use such vessel or furniture without the consent of the owner or other lawful authority, shall on conviction be liable to a fine not exceeding \$100 or imprisonment for any term not exceeding six months and in addition shall forfeit and pay to the party aggrieved such a reasonable sum as shall appear to the convicting justice to be compensation for any loss of work, or loss of time, or damage sustained by the owner or person in charge of such vessel or furniture by reason of such unauthorised removal or use thereof.

The Crown's legal advisers are of opinion that the words "in any water of the State" limit the whole operation of the section to boats on water. Consequently, they do not encompass boats beached or on slips, or even, as more importantly these days, those on trailers. The Bill therefore proposes the removal of these words.

I would point out that, at the present time, the operation of this section appears to hinge about the boat being taken from "its usual anchorage or mooring or the place where it was last left by the owner." Consequently, it would need only some intervening factor to set the boat away from where it was moored or last left and the section would cease to be operative.

In view of this, it is proposed to recast the operative part with respect to removal and this will delete the emphasis on anchorage, mooring, or the place where the boat was last left by the owner or person in charge.

There has been a number of offences against this section in the past year and it is considered that amending legislation is necessary if the likelihood of a continuation of such offences is to be minimised.

Members may be surprised to learn that, in the past 12 months in fact, there were no fewer than 109 cases reported to the police of boats either having been stolen or removed from their moorings, and this surely indicates a need for some remedial action.

Continual representations are being made by boating clubs and others for greater police protection against vandals and the like who have been removing valuable parts of boats, such as the motors. The Vandalism Research Committee submitted a report to the Minister for Police recently, which he hopes to be in a position to release very shortly, and that committee has also recommended action along the lines proposed in this Bill, which I commend to members.

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

ANZAC DAY ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.10 p.m.]: I move—

That the Bill be now read a second time.

It has been found desirable to amend the Anzac Day Act, 1960-1964, because the Anzac Day Trust may not grant, under existing provisions, financial assistance to ex-service personnel or the dependants of ex-service personnel who have served in the following areas:—

Operations in Malaya and Malaysia from June, 1950.

United Nations Operations in Korea from 26th June, 1950, to April, 1956, and Operations in Vietnam from 1st July, 1962.

The statutory limitation to which I refer arises from the wording of section 10. This section, in defining those eligible for benefits, states that personnel must have served, "during any war in which Her Majesty or the Commonwealth was or is engaged."

Crown Law advice to the Government in relation to this matter is that, in order that a state of war may be deemed to exist, a proclamation to that effect must have been made by the Governor-General.

In fact, no proclamations have been issued in respect of the operations which I have just described.

A somewhat similar problem was faced by the Repatriation Department and this was resolved by the Federal Parliament passing the Repatriation (Special Overseas Service) Act, 1962-1965. Under the provisions of that legislation any warlike operation or a state of disturbance in a specified area outside Australia may be declared a special area. When such declaration is made, any member of the forces who is incapacitated or killed as a result of service in that area—or his dependants—becomes eligible for repatriation benefits, as if he had been engaged in a declared state of war.

Members may be interested in some examples of the manner in which the Anzac Day Trust is being prevented, at present, because of existing legislative restriction, from assisting worthy cases of relief.

In one instance, the State branch of the Korea and South East Asia Forces Association of Australia operates a welfare fund to alleviate distressed members and their dependants. Membership of the association is open to ex-service personnel who served in Korea, Malaya 1948-1961, Malaysia—including Borneo, Sarawak and Brunei—during the confrontation with Indonesia, and also in Vietnam. The trust had to refuse assistance to the association under the existing legislation because none of those conflicts had been declared a state of war.

Legacy, which cares for the dependants of deceased ex-servicemen, is also affected as regards those who served in various areas of conflict since 1945. Legacy has enrolled many families of men who served in Korea and several families of men who served in Vietnam. The trust has, however, been required, in conformity with the Act, to stipulate that its allocations to Legacy must be confined to assisting dependants of ex-servicemen who served in either the 1914-1918 or the 1939-1945 wars.

The Returned Services League, in the sphere of relief activities, assists all serving or former members, and their dependants, who have served in the various areas mentioned as being declared special areas under the Repatriation (Special Overseas Service) Act. In this instance, also, the trust has been required to impose the condition that its funds must be utilised only for those eligible under the present wording of the Act, which it is now proposed to amend.

The Bill before members has been drafted with a view to remedying these anomalies by amending the Anzac Day Act to include the areas in which Australian servicemen, or their allies now resident in Western Australia, have been engaged in warlike operations in recent years.

The Bill proposes the extension of sub-section (3) of section 10 to read in future—

During any war in which Her Majesty or the Commonwealth was or is engaged, or during any period while they were outside Australia and they were, or the body, contingent or detachment of the naval, military or air forces of which they were members or to which they were attached was, allotted for duty in a prescribed special area, or of the dependants of any such persons.

The addition of the words proposed to be added will extend eligibility for assistance to ex-servicemen who have served in those various warlike operations.

The other provision will amend section 17 to ensure that the Governor is empowered to make regulations to facilitate the operation of the Act and of the trust. This amendment will permit the prescribing of the special areas mentioned in the preceding amendment.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

LOCAL COURTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th March.

THE HON W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.15 p.m.]: When the Minister introduced the Bill he pointed out that its provisions were to provide for uniformity as well as simplicity in respect of appeals under the Local Courts Act. In the short time available to me I have compared the Bill with the principal Act and I would sum it up by saying that whereas at present we have two sets of rules for one set of circumstances we will, by the passing of this measure, have one set of rules for similar circumstances. In essence, by an amendment to section 107 of the Act this Bill shortcuts the procedure relating to appeals and it would appear to me that there could be no quarrel with such a proposition. It is true that the amendments appear to be only small but they will have a big effect.

The only other amendment in the Bill is in clause 3 and it draws attention to the fact that there has been a misnomer in the legislation since 1921 and now, after having operated successfully for 49 years, despite this difficulty, opportunity is being taken to put the matter right. I do not think justice has been impaired in any way, despite the present wording of the Act, and I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

NURSES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th March.

THE HON. J. DOLAN (South-East Metropolitan) [5.19 p.m.]: This short Bill seeks to make two small amendments to the Act and the proposals have been requested by the Nurses Board.

The strange thing is that although the Act we are amending is called the Nurses Act, the two amendments in this Bill do not in any way affect nurses who are practising their profession. The amendments apply to the staff of the Nurses Board. The first amendment is a substitution of the words "agreement in force under the Public Service Arbitration Act, 1966" for the words "industrial agreement in force under the Industrial Arbitration Act, 1912." The amendment is to section 15 of the Act.

However, there is one point about which I am a little perturbed and I ask the Minister to explain this when he replies to the debate. In his introductory speech he said that at the time the Nurses Act was being prepared for drafting the Public Service Arbitration Act was not in force and, as a result, the reference in the Nurses Bill, as it was then, was to the Industrial Arbitration Act, 1912. He went on to say that it was uniform practice to treat the staff of statutory boards and other Government instrumentalities as Government officers and, as a result, it was proposed to alter the reference in the Act to the Public Service Arbitration Act, 1966.

What worries me is that the Public Service Arbitration Act, to which reference is made, was proclaimed on the 9th January, 1967, and yet the Minister said that the legislation was not in force when the Nurses Act was being drafted. As the Nurses Act was not brought before the House until towards the end of 1968, I cannot line up the two statements.

The Hon. G. C. McKinnon: I will check it.

The Hon. J. DOLAN: The second amendment provides for the introduction of superannuation benefits for staff members, and I am of the opinion that this is most desirable. In fact, I agree entirely with both amendments. However, I would like to bring to the Minister's attention the possibility that the nursing profession generally—and I do not include a couple of sections—could be considered with a view to having all nurses superannuated. I am sure the profession generally would welcome it; as a matter of fact, I cannot see why there could possibly be any objection to it.

Although I mentioned originally that nurses practising their profession are not affected by the provisions in this Bill, it is possible there may be some qualified nurses who may be affected and I would like the Minister to reply to this aspect and advise me of the position. I suppose the board would have on its staff at least one nurse—or possibly more—who would be regarded more as a teacher because her purpose is to educate other nurses, and it is possible she may come under the provisions in the Bill. If that is so, I would like the Minister to clarify the position so that these people will know whether they are affected in any way.

I can see a lot of merit in the two proposals, and I support the measure.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.23 p.m.]: I am glad Mr. Dolan pointed out these matters to me. I was trying to check up quickly on the first point he raised but, if my memory serves me correctly, the Nurses Bill was drafted and was then the subject of a tremendous amount of discussion. Agreement had to be reached with different bodies, including the Royal Australian Nursing Federation. After the Bill had been passed by Parliament it was 12 months, or more, before it was proclaimed because of the tremendous number of regulations that had to be brought down.

The controlling authority was transferred from the Health Department and was made a completely autonomous body. A large number of meetings had to be held, and I know it took something over 12 months to frame all the regulations that had to be made. The new board had to be constituted and this involved a good deal of work on the part of the Nursing Federation and other branches of the nursing fraternity—I am not sure whether the word "fraternity" is the right one to use, or whether I should use the word "sorority"; however, members know what I mean—and I know those involved were somewhat pushed for time. I think that is the probable explanation for the position.

It is possible, as the honourable member said, that persons whose basic qualification is that of nursing may be employed by the department in an educational capacity, but these people would be regarded as staff of the new board. It is coincidental, really, that their qualifications for the job they are doing may be that they hold a nurse's certificate and they would, of course, under this proposal, qualify for superannuation.

It is interesting to note that there is some debate about the question of teaching and there are many people who think

it is better to have qualified educationists with a knowledge of nursing to teach trainee nurses than it is to have a qualified nurse with some understanding of education. I realise that is a little complex and probably difficult to understand.

The Hon. J. Dolan: The emphasis is on education rather than nursing.

The Hon. G. C. MacKINNON: That is so. This, of course, is a policy which is being followed in other trades. Whereas in the old days an apprentice was taught by a fellow craftsman, today a big part of his education is undertaken at a technical school and he is taught by qualified teachers rather than tradesmen. There was some other point the honourable member made.

The Hon. J. Dolan: The possibility of superannuation for trained nurses.

The Hon. G. C. MacKINNON: This would be a very difficult matter and I do not think it is a question that has ever been raised by the Nursing Federation when it has applied for changes in the nurses' award, which is done every second year. I think the main difficulty is that nurses are employed not on a set basis but, in the main, by individual hospitals, and they are extremely mobile. We have a difficulty even in regard to holidays and, apparently, this is a world-wide position. A tremendous number of nurses will work in a hospital for maybe six months, or 12 months, and then leave, taking their *pro rata* holiday pay, and they are entitled to do this. There are instances, of course, where girls make a career of nursing and remain at one hospital for a very long time. However, in the main nurses cannot be disciplined in the sense that they can be ordered to go anywhere, as is the position with a teacher.

There is only a very small group of nurses—and these girls get a special bonus for it, and they are only on a 12-months' contract—who can be ordered to go anywhere and, even then, it is only for the period of the contract. This is a very great help to the department and the individual boards which engage them. However, I do not think we can accomplish what the honourable member desires on a broad basis; but, if this matter is brought up, I am sure, along with everything else, it will receive very sympathetic consideration.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILLS (2): RECEIPT AND FIRST READING

1. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.
2. Public Education Endowment Act Amendment Bill.
Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.32 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 7th April, at 4.30 p.m.

Question put and passed.

House adjourned at 5.33 p.m.

Legislative Assembly

Wednesday, the 25th March, 1970

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

SUNDAY TRADING IN LIQUOR*Referendum: Petition*

MR. T. D. EVANS (Kalgoorlie) [4.32 p.m.]: I have a petition addressed as follows:—

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.

We, the undersigned members of the Seventh Day Adventist Church of Kalgoorlie, Western Australia, do herewith pray that Her Majesty's Government of Western Australia will consider the holding of a Referendum on the subject of the proposed alteration of the law on Sunday trading in liquor.

Your Petitioners therefore humbly pray that your Honourable House will give immediate consideration to the holding of a Referendum to the people of Western Australia, and your petitioners, as in duty bound, will ever pray.

This is to certify that the above petition conforms to the rules of the House.

The petition has been signed by me, and it carries 180 signatures.

The **SPEAKER**: I direct that the petition be brought to the table of the House.

LOWERING OF DRINKING AGE AND SUNDAY TRADING*Referendum: Petition*

MR. T. D. EVANS (Kalgoorlie) [4.33 p.m.]: I have a second petition addressed as follows:—

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.

We, the undersigned, being citizens of Kalgoorlie, Boulder and Kambalda, Western Australia, do herewith pray that Her Majesty's Government of Western Australia will consider the holding of a Referendum on the subject of:

1. Lowering of the legal drinking age from 21 to 18 years.
2. That hotel trading hours on Sunday should be doubled in country areas and changed to allow trading in the metropolitan area at specified hours.

Your Petitioners therefore humbly pray that your Honourable House will give immediate consideration to the holding of a Referendum to the people of Western Australia, and your Petitioners, as in duty bound, will ever pray.

This is to certify that the above petition conforms to the rules of the House.

The petition has been signed by me, and it carries 337 signatures.

The **SPEAKER**: I direct that the petition be brought to the table of the House.

STANDING ORDERS COMMITTEE*Tabling of Report*

THE SPEAKER (Mr. Guthrie) [4.34 p.m.]: I have for tabling the report of the Standing Orders Committee recommending certain amendments to Standing Orders. The Standing Orders Committee has considered one or two matters raised in the House, and one or two other matters that have become necessary because of alterations to the Constitution Act. Accordingly, I table the report.

MR. W. A. MANNING (Narrogin) [4.35 p.m.]: I move—

That the report be printed and its consideration be made an Order of the Day for the next sitting of the House.

Question put and passed.