

Clause 4 refers to Class "A" Reserve 18325 at Mt. Lawley. This is set aside for recreation and is vested in the City of Stirling. By agreement with the city a water board's compensating drainage basin impinges on the reserve and it is proposed that the piece of land affected be excised in favour of the water board.

Clause 5 seeks the cancellation of Reserve 13845 at Moora—race course and recreation purposes—which is held in trust by Herbert John Lee-Steere, Joshua Arthur Waldeck and James Samuel Denton for the Moora Race Club. All the trustees are deceased and to enable a transfer to be registered a request was made for control to be passed to the Shire of Moora. Subsequently, as agreement could not be reached between the club and the shire in respect of the control of the buildings erected by the race club, the vesting of the reserve in the club was requested. Parliamentary approval is accordingly sought for the cancellation of the reserve, with the land being revested in Her Majesty and removed from the operation of the Transfer of Land Act, 1893. The purpose here is to set the land apart as a new reserve for the purpose of race course and recreation—to be vested in the Race Club.

Clause 6 deals with the excision from Class "A" Reserve 26838 at Esperance—Parklands. A site has been selected on this reserve, jointly by the Shire of Esperance and the Esperance Bay Historical Society, for the establishment of a museum. Plans include the placing of the old courthouse on the site for a museum; parklands with old vehicles and farm equipment similar to the Old Mill treatment at South Perth, and a patrons' parking area. The part to be excised would be vested with parliamentary approval in the Shire of Esperance with the balance being dedicated as a public road to provide access.

Clause 7 seeks an excision from Class "A" Reserve 20838 at Nedlands—Recreation—and the land vested in the City of Nedlands. The city desires to build a kindergarten and child health centre on part of the reserve. The site is acceptable to the Kindergarten Association and also to the Metropolitan Region Planning Authority. A committee has been formed to administer the proposed centre and the city accordingly desires the vesting order to contain power to lease.

Clause 8 involves cancellation of Class "A" Reserve 29714 near Jerdacuttup—set apart for purposes of "Stopping Place." The reserve is not vested and is surrounded by freehold land held by a single owner who seeks its acquisition. An exchange of so much of portion of location 995 as is considered by the Land Purchase Board to be of equal value has been offered. Land on the northern alignment of location 995

comprises two "A"-class reserves set apart for "Stopping Place" and "Park Land". The proposed exchange would enable the two reserves to be linked together and parliamentary approval is sought for this highly desirable proposal. Parliamentary approval is accordingly sought for the cancellation of Reserve 29714 to enable the proposal to proceed. I now table the plans relating to the reserves dealt with in the Bill so that they are available for perusal by members if they so desire.

*The plans were tabled.*

Debate adjourned, on motion by The Hon. G. W. Berry.

### ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.03 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 9.04 p.m.*

---

## Legislative Assembly

Wednesday, the 1st December, 1971

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

### BILLS (13): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Administration Act Amendment Bill.
2. Property Law Act Amendment Bill.
3. Wills Act Amendment Bill.
4. Government Railways Act Amendment Bill.
5. Parliamentary Superannuation Act Amendment Bill.
6. Censorship of Films Act Amendment Bill.
7. Adoption of Children Act Amendment Bill.
8. Property Law Act Amendment Bill (No. 2).
9. Natives (Citizenship Rights) Act Repeal Bill.
10. Fire Brigades Act Amendment Bill.
11. Abattoirs Act Amendment Bill.
12. Stamp Act Amendment Bill (No. 2).
13. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.

**ELECTRICITY SUPPLIES***Kwinana-Balga Power Line: Petition*

**MR. THOMPSON** (Darling Range) [4.44 p.m.]: I present to the House 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 residents, in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will intervene and not proceed with the proposed plan to carry the S.E.C. power lines through this area of foothills.

Your petitioners therefore humbly pray that your honourable house will give this matter earnest consideration and your petitioner as in duty bound will ever pray.

The petition contains 528 signatures and I certify that it conforms to the rules of the House.

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

**QUESTIONS (29): ON NOTICE****1. MINING***District Inspectors of Mines*

**Mr. HARTREY**, to the Minister for Mines:

- (1) To how many districts in this State is a district inspector of mines assigned under the Mines Regulation Act, 1946-1969?
- (2) What are—
  - (a) the names and approximate localities of each such district, and
  - (b) the name of the district inspector appointed to each such district?

**Mr. MAY** replied:

- (1) A district inspector of mines is assigned to cover all the mining districts within the inspectorate to which he is attached.
- (2) (a) Mining districts under the Mines Regulation Act cover the whole of Western Australia and are grouped into three inspectorates—viz:

Perth inspectorate—includes the Murchison and Yalgoo goldfields, and that portion of the Peak Hill goldfield south of latitude 24°S; Northampton and Greenbushes mineral fields; south-west and Collie mining districts.

Kalgoorlie inspectorate—includes East Murchison, Mount Margaret, North Coolgardie, Broad Arrow, Yilgarn, Dundas and Phillips River goldfields and the Nabberu, Warburton and Eucla mining districts.

Port Hedland inspectorate—includes Kimberley, West Kimberley, Pilbara, West Pilbara, Ashburton, Gascoyne Goldfields and that portion of the Peak Hill goldfield situated north of latitude 24°S.

- (b) The district inspectors currently attached to the respective inspectorates are—

Perth inspectorate:

J. M. Faichney.

J. F. Haddow.

G. F. Dodge.

Kalgoorlie inspectorate:

I. W. Loxton (senior inspector).

H. L. Burrows.

J. J. Zuvich.

R. A. C. Williams (currently a special inspector with the powers of a district inspector).

Port Hedland inspectorate:

P. Swainston (senior inspector).

The whole of the State:

J. Boyland (principal senior inspector).

2. *This question was postponed until Tuesday, the 7th December.*

3. *This question was postponed.*

**4. MINING***Kaolin Deposits at Greenbushes*

**Mr. REID**, to the Minister for Mines:

- (1) What are the present prospects of establishing a mining undertaking on the kaolin deposits in the Greenbushes district?
- (2) What is the estimated tonnage of these deposits?

**Mr. MAY** replied:

- (1) The Mines Department has not examined the Greenbushes district for kaolin. It is known that the area is being investigated to produce kaolin as a by-product from the tin operations.

The prospects depend on whether or not it is possible to recover kaolin free from impurities during the treatment process of the tin.

- (2) Unknown.

5.

**MINING****Greenbushes-Bridgetown Area:  
Reafforestation**

Mr. REID, to the Minister for Mines:

- (1) Following my question of 17th August, 1971, on the Greenbushes mining area, would he report on the Mines Department inspector's visit to the area during October?
- (2) What recommendations were made particularly with regard to the mining area adjacent to the South Western Highway between Greenbushes and Bridgetown?
- (3) (a) Have the initial reafforestation plans been successful in the areas once worked by the dredge;  
(b) will these plantings continue?

Mr. MAY replied:

- (1) When the inspector visited the Greenbushes mining area in October he found that progressive restoration of the mined areas had been commenced by one company and was proceeding satisfactorily. Apart from some filling in and levelling of rugged edges along the South Western Highway, the other company had not implemented a progressive restoration programme and has been again requested to submit its proposals for restoring the areas to a satisfactory standard. Regular inspections will be made to check progress.
- (2) No particular recommendations were made in regard to the mining area adjacent to the South Western Highway between Greenbushes and Bridgetown but a feasibility study of this area is in progress in regard to the kaolin deposits and restoration methods will be part of this study.
- (3) (a) and (b) This matter is being currently investigated by the Minister for Forests.

6.

**ORD RIVER SCHEME****Expansion**

Sir DAVID BRAND, to the Premier:

- (1) Has a decision been taken by the State Government on further expansion of the Ord River project?
- (2) If so, what are the plans?
- (3) Is work continuing on the soil erosion problems on the upper reaches of the Ord River?

Mr. J. T. TONKIN replied:

- (1) It has been decided to carry on with committed development of the Packsaddle plain area as it is an area known to be suitable for furrow irrigation of wet season

planted crops. Expansion of development in other directions is dependent upon further investigations currently in progress. These investigations are aimed at determining viable crops. The ultimate desirable area for cotton is about the capacity of the two gins. The direction of further development is therefore dependent upon the characteristics of the soil, such as slope and sub soil salinity suited to other crops which can be proven as viable. In the intensified investigations sorghum breeding is important because it would appear that this crop is unlikely to prove viable for grain export with the use of the current temperate varieties. The breeding of suitable sub tropical varieties appears promising. The Government is also currently undertaking a semi-commercial planting of peanuts on both heavy soil and river levee soils and is intensifying investigations into other crops. Because of the varying soil requirements for these crops the direction in which further development takes place is dependent upon these investigations.

- (2) Answered by (1).
- (3) Yes.

7.

**EDUCATION****High Schools: New Accommodation**

Sir DAVID BRAND, to the Minister for Education:

- (1) Is it a fact that no new high school will be ready for opening in the new school year?
- (2) Does this mean that the accommodation will not be required?

Mr. T. D. EVANS replied:

- (1) No. Rockingham high school will be occupied for the first time from the beginning of 1972. Furthermore, additional accommodation is being provided at schools which are in the normal process of staged development. These include:—  
Morley high school—stages 2 and 3.  
Thornlie high school—stage 2.  
Balga high school—stage 3.  
Rossmoyn senior high school—stage 4.

During 1972, stage 2 of Rockingham should be completed and new high schools at Port Hedland and Karratha will be built.

- (2) The works in progress will provide considerable necessary accommodation.

## 8. RAILWAYS AND HOSPITALS SINKING FUND

### *Appropriation to Consolidated Revenue*

Mr. COURT, to the Treasurer:

Why was the 1969 and 1970 practice of crediting Government railways and hospital fund sinking fund contributions to General Loan Fund reversed to the pre-1969 practice of appropriating the amounts to Consolidated Revenue Fund (see Auditor-General's Report, page 14)?

Mr. J. T. TONKIN replied:

To limit the deficit on the Consolidated Revenue Fund in 1970-71.

## 9. WOOL

### *Processing and Manufacturing in Western Australia*

Mr. COURT, to the Minister for Development and Decentralisation:

With reference to my 15th September, 1971 question 16 about wool scouring, topmaking and yarnmaking, and the answers then given—

- (a) has progress been made in negotiations;
- (b) when is finality likely?

Mr. GRAHAM replied:

- (a) Discussions with the interested parties are continuing.
- (b) It is not possible, at the present, to forecast when finality will be reached.

## 10. AUDITOR-GENERAL'S REPORT

### *Consolidated Revenue: Overdrawn*

Mr. COURT, to the Treasurer:

- (1) At what date and by what detailed accounting procedure has the Treasury dealt with the item "Consolidated Revenue Fund overdrawn" and shown by the Auditor-General's report to be \$4,489,974 at 30th June, 1971?
- (2) If the procedures are not complete, what is proposed and when?

Mr. J. T. TONKIN replied:

- (1) and (2) A decision has yet to be made on the method of clearing the accumulated deficit of \$4,489,974 at 30th June, 1971.

## 11. HOUSING

### *Armada-Kelmscott Shire District*

Mr. RUSHTON, to the Minister for Housing:

- (1) How many building blocks have been purchased by the State Housing Commission in the Shire of Armadale-Kelmscott in the past nine months?

- (2) In which areas have significant numbers of these blocks been acquired?

- (3) What is the average price per block purchased in—

(a) Tijuana Park;

(b) M.R.P.A. Kelmscott Settlement No. 4 area?

- (4) How many units of housing does the Commission intend to build in each of these areas this year?

- (5) Will he advise the numbers of the various types of Commission accommodation to be built in the Shire of Armadale-Kelmscott this year?

Mr. BICKERTON replied:

- (1) The commission has purchased 175 fully serviced residential lots, and successfully concluded negotiations during the nominated period for purchase of an additional 156 fully serviced residential lots within the Shire of Armadale-Kelmscott boundary.

- (2) 145 of these lots are located in the M.R.P.A. Kelmscott settlement No. 4 area. 57 lots are at Armadale (Tijuana Park) and the remaining 129 lots are at Armadale (near Nerrigin Brook primary school).

- (3) (a) Tijuana Park: 57 lots purchased at a price of \$2,950 each.

- (b) Of the 145 lots located in the M.R.P.A. No. 4 area, 118 were purchased at an average price of \$3,000 each. The remaining 27 lots will be purchased at a price of \$3,250 each.

- (4) 1971-72 financial year—

(a) Tijuana Park—57.

(b) 143.

- (5) 1971-72 financial year—

110 cottages to be completed. Approximately 200 to be under construction as at 30th June, 1972.

## 12.

## HOUSING

### *Programme and Completions*

Mr. RUSHTON, to the Minister for Housing:

- (1) In this financial year, how many units of housing does the State Housing Commission plan to build in metropolitan and country areas—

(a) separate units;

(b) flats?

- (2) How many units of housing has the State Housing Commission completed this financial year—

(a) in the metropolitan area;

(b) in the country?

Mr. BICKERTON replied:

(1) (a) Separate Units;

	Domestic Activity	Other Government Departments	G.E.H.A.	Total
Anticipated completions 1971-72 .....	2,224	148	98	2,470
Anticipated under construction as at 30th June, 1972 .....	1,231	*unknown	*unknown	1,231 + other departments + G.E.H.A.

\* As the programme for other departments and Government Employees' Housing Authority for January-June, 1972 is unknown anticipated carryover is impossible to estimate.

(b) Flats:

Anticipated completions 1971-72 .....	607	Nil	Nil	607
Anticipated under construction as at 30th June, 1972 .....	*20	Nil	Nil	20

\* Pensioner flats.

(2)

(a) Metropolitan area .....	1,083	10	.....	1,093
(b) Country .....	185	38	39	262
	1,268	48	39	1,355

### 13. SCHOOLS

#### *Categories and Class Sizes*

Mr. R. L. YOUNG, to the Minister for Education:

(1) How many schools are there in the following categories—

- (a) class IA;
- (b) class I;
- (c) class II;
- (d) class III;
- (e) class IV?

(2) What are the estimated numbers of such schools in—

- (a) 1975;
- (b) 1980?

(3) What is the average class size for each grade in the schools (a) to (e) above?

(4) What are the estimated average class sizes in those schools for—

- (a) 1975;
- (b) 1980?

Mr. T. D. EVANS replied:

(1) As at 1st August, 1971.

- class IA—41.
- class I—129.
- class II—85.
- class III—132.
- class IV—66.

(2) It is not possible to estimate the number of schools in each category for future years as schools are classified according to numbers in attendance from year to year and this is dependent upon future population distributions.

(3) Statistics are not maintained on a grade basis for each class of school.

(4) It is not possible to estimate class sizes in each class of school when the numbers of schools in each category cannot be predicted as explained in (2) above.

### 14. TEACHERS

#### *Graduates and Resignations*

Mr. R. L. YOUNG, to the Minister for Education:

(1) What were the number of teachers college graduates in the years—

- (a) 1971—
  - (i) males;
  - (ii) females;
- (b) 1965—
  - (i) males;
  - (ii) females;
- (c) 1960—
  - (i) males;
  - (ii) females?

(2) What were the numbers of teacher resignations over the last—

- (a) one year;
- (b) four years;
- (c) eight years;
- (d) ten years?

(3) What was the re-employment rate over the periods (a) to (d) above?

Mr. T. D. EVANS replied:

(1)

	Male	Female	Total
1971 (estimated)—			
Departmental ....	224	528	774
Private ....	5	19	24
1965—			
Departmental ....	165	296	461
Private ....	6	10	16
1960—			
Departmental ....	222	313	535
Private ....	.....	9	9

(2) Resignations and retirements from the permanent staff have been:—

1970—473.  
1969—532.  
1968—491.  
1967—590.  
1966—518.  
1965—536.  
1964—466.  
1963—364.  
1962—293.  
1961—294.

(3) Statistics relating to re-entry into the service were not maintained prior to the introduction of automatic data processing earlier this year. Information as requested is thus not available.

#### 15. TEACHERS

*Recruitment: Interstate and Overseas*

Mr. R. L. YOUNG, to the Minister for Education:

(1) What was the rate of teacher recruitment from—

(a) other Australian states—

- (i) 1966 to 1971;
- (ii) 1961 to 1965;

(b) overseas—

- (i) 1966 to 1971;
- (ii) 1961 to 1965?

(2) What are the departmental estimates of recruitment from—

(a) other Australian states—

- (i) 1971 to 1975;
- (ii) 1976 to 1980;

(b) overseas—

- (i) 1971 to 1975;
- (ii) 1976 to 1980?

Mr. T. D. EVANS replied:

(1) (a) and (b) Recruitment is not actively pursued in other Australian states or overseas' countries with the exception of the United Kingdom.

Qualified teachers from sources other than the United Kingdom may apply in person to the department for appointment on the same basis as Western Australian applicants. Separate statistics relating to such entry were not maintained prior to the introduction of automatic data processing earlier this year.

However, the number of teachers arriving in Western Australia from the United Kingdom in the last three years has been:—

1969—21 (from 1st July).

1970—79.

1971—46 (to 31st October).

(2) Predictions indicate that a number of teachers above the normal output from teachers' colleges will be required. This difference will be met by re-entry of local teachers and recruitment from other sources. The degree to which active overseas' recruitment will need to be pursued will be determined progressively.

#### 16.

#### IRRIGATION

*Waroona District: Extensions*

Mr. RUNCIMAN, to the Minister for Water Supplies:

(1) Can he give details of the proposed extensions to the Waroona Irrigation District for 1971-72?

(2) When will the work be commenced?

(3) What amount of finance will be made available for the extensions?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

(1) There are no extensions to the Waroona Irrigation District proposed for 1971-72.

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

The Irrigation Commission is still considering a proposal to extend irrigation by pumping to an area north of Waroona.

#### 17.

#### COURTHOUSE

*Mandurah*

Mr. RUNCIMAN, to the Attorney-General:

(1) What is the nature of extensions to the Mandurah courthouse?

(2) When is it expected that the work will be commenced?

(3) What is the estimated cost?

Mr. T. D. EVANS replied:

(1) Some additional accommodation is required but plans have not been prepared to show the proposed extensions.

(2) When funds are available.

(3) Not available.

#### 18.

#### NOISE

*Claremont Speedway*

Mr. MENSAROS, to the Minister for Health:

(1) Is he aware of any power by virtue of which organisers of the Claremont speedway races can be compelled to investigate the excessive

noise to which local residents are subjected when speedway meetings and/or training are conducted at the showgrounds?

- (2) If so, is he willing to use such powers to lessen the inconvenience to residents?
- (3) If (1) is "No" is the Government prepared to do something about the complaints re excessive noise?

Mr. DAVIES replied:

- (1) to (3) I have no knowledge of any such powers to control excessive noise. When the Noise Abatement Act becomes law there will be powers to investigate and control excessive noise.

The Bill will be introduced in the autumn session.

## 19. BUNBURY REGIONAL HOSPITAL

### *Permanent Care Unit and Staff*

Mr. WILLIAMS, to the Minister for Health:

- (1) How many patients are at present in the permanent care unit at Bunbury Regional Hospital?
- (2) If there are vacancies, what is the reason?
- (3) Should vacancies be because of a shortage of staff is the department prepared to employ part-time—
  - (a) qualified;
  - (b) unqualified,
 single and/or married women?
- (4) What number of staff are required and in what qualifications, male and female?

Mr. DAVIES replied:

- (1) 13.
- (2) It was decided by the hospital that the permanent care unit should be opened in stages so that any problems encountered in the first stage could be overcome prior to the opening of the second stage.  
So far, only the first wing has been opened and occupied. It is expected that the second wing will be opened and occupied very shortly. Staff will be adequate for this wing.
- (3) and (4) A shortage of staff has not been the reason for vacancies.

## 20. LOCAL GOVERNMENT

### *Septic Tank Effluent*

Mr. THOMPSON, to the Minister for Health:

- (1) Is he aware that many local authorities have trouble with the unauthorised dumping of septic tank effluent by some liquid disposal contractors, and others?

- (2) Does he agree that the present penalties are not adequate to deter such people, bearing in mind the difficult task local authorities have in sustaining successful court actions?

- (3) If he considers the present penalty inadequate will he amend the law so as to provide a more realistic fine?

Mr. DAVIES replied:

- (1) Although there have been complaints in the past no recent instances have been reported to the Health Department.
- (2) and (3) The maximum penalty of six months imprisonment with hard labour appears adequate.

## 21. ROYAL PERTH HOSPITAL

### *Staff: Numbers*

Dr. DADOUR, to the Minister for Health:

What are the numbers of—

- (a) all employees;
  - (b) registrars;
  - (c) permanent medical staff;
  - (d) residents;
  - (e) nursing staff; and
  - (f) administration staff,
- at the Royal Perth Hospital (and annexes) at 31st October, 1971?

Mr. DAVIES replied:

	As at 30-6-71
(a) 3274	(3215)
(b) 86	(93)
(c) 16	(12)
(d) 60	(60)
(e) 1296	(1244)
(f) 4	(4)

Included in the answer are similar figures as at the 30th June, 1971. The Member had asked a question at that time regarding those figures and others, but they had never been published; and so I am taking the opportunity to publish them now.

Also I would point out to him that there is a total increase of about 50 staff and this is related to additional part-time nursing staff. When the actual hours of part-time work as related to full-time work is equated, the total time remains about the same.

## 22. LOCAL GOVERNMENT

### *Spilt Concrete on Road Verges*

Mr. THOMPSON, to the Minister representing the Minister for Local Government:

- (1) Has he considered a request I made to him in a letter forwarded on 18th October, 1971, acknowledgment of which is dated 19th October, 1971, to ensure that all local authorities accept their responsibility in removing concrete dumped on road verges?
- (2) If so, will he say what action has he taken?
- (3) If no action has yet been taken, will he say why not?
- (4) When can I expect some action in this regard?

Mr. TAYLOR replied:

- (1) to (4) The letter of 18th October did not refer to all municipal councils, but to one specific instance in one municipal district. The inquiry has been referred to the council concerned and upon receipt of a reply the Member will be informed of the outcome.

23.

### HOUSING

#### *Pensioners: Busselton*

Mr. BLAIKIE, to the Minister for Housing:

- (1) How many single and double unit pensioner State Housing Commission flats are in the Busselton area?
- (2) When were these flats constructed, and has the rate of occupancy been satisfactory?
- (3) When is it anticipated that further flats will be constructed by the Commission in this area?

Mr. BICKERTON replied:

- (1) Fourteen units for pensioner couples.
- (2) 1958-59—8.  
1966-67—2.  
1968-69—2.  
1969-70—2.  
The rate of occupancy has been satisfactory with no difficulties in filling all vacancies. However, at present there is one unit vacant (vacated 15-11-71) and only two eligible applicants available who require assistance.
- (3) Tenders to be called for two single unit and two couple (quadruplex) before Christmas.

24.

### HOUSING

#### *Number, and Types of Construction*

Mr. BLAIKIE, to the Minister for Housing:

- (1) How many homes, other than flats, will be constructed by the State Housing Commission and other State Government Departments in the year ending 30th June, 1972?
- (2) How many homes will be of—
  - (a) brick veneer, timber frame;
  - (b) brick;
  - (c) timber frame;
  - (d) any other type of construction?
- (3) How many of the homes to be constructed will have—
  - (a) concrete flooring;
  - (b) timber flooring?

Mr. BICKERTON replied:

(1)

	Domestic Activity	Other Government Departments	Total
Anticipated Completions 1971-72	2,224	246	2,470
Anticipated units under construction as at 30th June, 1972	1,231	*unknown	* 1,231 + other departments

\* As the programme for other departments for January-June, 1972 is unknown to the commission it is impossible to estimate the carryover at 30th June, 1971.

- (2) Of the contracts presently in hand the construction is as follows:—

	Domestic Activity	Other Government departments	Total
(a) Brick veneer	1,547	35	1,582
(b) Brick	188	4	192
(c) Timber frame	191	207	398
(d) Other	...	...	...
	1,926	246	2,172



For the balance of the programme the commission will follow its normal policy which is for the metropolitan area brick veneer unless a competitive tender is lodged in full brick and in country areas timber frame unless competitive brick veneer tenders are lodged.

- (3) Of the contracts presently in hand the construction is as follows:—  
Using the total derived from question (2)—

(a) Concrete flooring	....	....	....	....	178
(b) Timber flooring	....	....	....	....	1,094
Total	....	....	....	....	2,172

For the balance of the programme a broadly similar distribution will be followed but the exact number of each type will depend on specific site conditions which at this stage cannot be determined.

## 25. SEWERAGE

*Kellerberrin*

Mr. McPHARLIN, to the Minister for Water Supplies:

- (1) When was a survey carried out in the Kellerberrin townsite for the proposed extensions to the deep sewerage?
- (2) Were residents living in the area concerned given an opportunity to express their views on the proposals?
- (3) What will it cost the residents of the area to connect to the scheme?
- (4) What is the estimated cost of the proposed extensions?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) April, 1971.
- (2) Yes.
- (3) Depends on individual circumstances and will vary with length of drain required, depth of excavation, type of dwelling, number of fixtures, and standard of existing plumbing.
- (4) \$30,000.

## 26. YUNDURUP CANALS DEVELOPMENT

*Private Finance, and Government Guarantee*

Mr. MENSAROS, to the Premier:

- (1) As the Government has announced that it will guarantee a loan to finance the Yundurup canals project, is he in a position to supply the following information—  
(a) what was the name of the institution or bank which financed Miss Watters;

- (b) what was the extent of her indebtedness to this institution;
- (c) how long had the money been owing;
- (d) had the institution pressed for repayment of the debt;
- (e) had any approaches been made to other financiers to either take over the debt or guarantee same;
- (f) had any of these institutions declined to do so;
- (g) if so, who declined?

- (2) What reports did the Government obtain as to the financial stability of the project?
- (3) Who gave such reports?
- (4) Did such reports indicate any weaknesses in the project?
- (5) Were any such reports unfavourable?
- (6) Did any such reports recommend that the Government should give a guarantee?
- (7) If so, which?
- (8) Did any such reports indicate the possibility of losses?
- (9) If so, which and how much?
- (10) Was the Rural and Industries Bank in any way concerned in the project as a financier or as a shareholder in any financier of the project?
- (11) Was the Government motivated in giving its guarantee by reason of the interest of the Rural and Industries Bank in the project?
- (12) If not, why did the Government give the guarantee?

Mr. J. T. TONKIN replied:

- (1) No.
- (2) and (3) Reports were received from the Department of Industrial Development and Decentralisation, the Rural and Industries Bank and the Treasury.
- (4) Yes.
- (5) Yes in some respects.
- (6) and (7) The issue of a guarantee was recommended by the Department of Industrial Development and Decentralisation.
- (8) and (9) Yes, but it was also indicated that there should be adequate security for a guarantee if the project were completed.
- (10) Yes.
- (11) No.
- (12) Because it was satisfied after examining all aspects that the project has been jeopardised by the imposition of restrictions which were not specified in the original advice to Miss Watters of the

terms and conditions of the channel lease and dredging licence. In these circumstances the Government considered that it had a moral obligation to assist in financing the project by way of guarantee.

Actual slaughterings for export works during October, 1971, were:  
Midland 212,460 sheep and lambs.  
Robb Jetty 126,615.  
Coogee 37,907.  
Albany 39,410.

## 27. ROYAL PERTH HOSPITAL

### *Casualty and Out-patient Sections: Survey*

Dr. DADOUR, to the Minister for Health:

On 16th August, 1971, a memorandum at Royal Perth Hospital, re a survey of casualty department and outpatient clinics stated "The Board of Management decided to initiate a survey embracing the workload, facilities and organisation of casualty department and outpatient clinics, and their involvement with diagnostic and treatment departments"—

- (1) What were the results of the survey?
- (2) What improvements were implemented?

Mr. DAVIES replied:

- (1) and (2) The survey is a long-term project which is still continuing.

## 28. ABATTOIRS

### *South of Geraldton: Capacity*

Mr. MOILER, to the Minister for Agriculture:

- (1) Would he provide the locations of abattoirs, established south of Geraldton, which are capable of slaughtering a total of—
  - (a) 500 sheep and lambs daily;
  - (b) 1,000 sheep and lambs daily;
  - (c) more than 1,000 sheep and lambs daily?
- (2) With reference to (c) above, what is the estimated daily capacity of sheep and lambs slaughtered?

Mr. H. D. EVANS replied:

- (1) (a) Dardanup  
Boyanup  
Waroona.
- (b) Nil.
- (c) Midland.  
Robb Jetty.  
Coogee.  
Wooroloo.  
Albany.
- (2) Midland 12,000  
Robb Jetty 6,000  
Coogee 2,000  
Wooroloo 2,000  
Albany 2,000

## 29. LOCAL GOVERNMENT

### *Financial Aid Scheme*

Mr. RIDGE, to the Minister representing the Minister for Local Government:

- (1) Relating to his answer to question 27 on 19th November and in view of the fact that a report in the *News of the North* on 6th October, credits a Labor Party member of Parliament as having announced details of a grant from the "Local Authority Assistance Fund", will he advise if—
  - (a) the report was correct;
  - (b) the announcement was made with the Minister's concurrence?
- (2) As the member concerned was able to secure the information more than seven weeks ago, will he now answer the series of questions I asked relating to the same matter?

Mr. TAYLOR replied:

- (1) (a) The Shire of Meekatharra was granted a free of interest advance of \$35,000 but this was not from the local government assistance fund but from the Treasurer's advance account.
- (b) The Minister was aware that an announcement was to be made.
- (2) No. The method of distribution has not yet been finalised and councils have not been requested to make application.

## LEAVE OF ABSENCE

On motion by Mr. Harman, leave of absence for three weeks granted to Mr. Burke (Perth) on the ground of public business.

## TRAFFIC ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 30th November.

MR. NALDER (Katanning) [4.55 p.m.]: I wish to make some contribution to the debate on this legislation. Last night speakers covered the ground reasonably well, but I want to indicate that I regret the necessity for compulsory legislation. However, I would be the last one to suggest we should not introduce this legislation if it will save lives. This is the

opinion that has been expressed by many people and sufficient evidence has been presented to indicate that the action will, in fact, save lives.

Perhaps a great deal more should be done to police existing laws. Many people have been quoting statistics which I shall not do, but I would hazard a guess that a large percentage of the general public are not happy at all with this proposal. Probably they are quite right in taking this attitude because they do not contribute one iota to the situation on the roads. They are good drivers and carry out the rules of the road. In all probability they will not be involved in accidents because of their own actions—

Mr. Bertram: They will be involved because of the actions of other people.

Mr. NALDER: The member for Mr. Hawthorn is making the point I am trying to underline.

Mr. O'Connor: He is helping you.

Mr. NALDER: Many people are not themselves responsible for road accidents but are the victims of somebody who is not properly qualified to drive a motorcar. A small percentage of the general public would be guilty of driving incorrectly, but inconvenience will be caused to a large percentage—in fact, the majority—of people in this country.

I was very surprised at the number of people who came to me to tell me that they are opposed to the legislation. The general public are most unhappy over the measure. Why is this? I wonder whether we are getting at the root cause of the trouble. Last night other speakers gave some indication of some of the reasons. I hope the Minister who is handling the legislation in this Chamber will inform the Minister for Police that, so far as I am concerned, I am 100 per cent. behind whatever action the police take to try to minimise the problem which exists in our State.

I understand other legislation will be introduced next year and, when it is, I shall produce some facts which I believe will be quite illuminating. I do not intend to present them today. Irrespective of what section of the community is involved, so far as the driving of motor vehicles is concerned I believe the police should be given authority to take the action deemed necessary. There should be no pussy-footing about in this situation. Responsible people in the Police Department have given various reasons for the need to take action.

I travel backward and forward along one of the highways to Parliament House. I am always amazed at the number of people who do not face up to their responsibilities on the road. I have seen people driving high-powered cars; one is left for dead when driving at 50 miles an hour. Some drivers travel at 70 or 80 miles an hour in broad daylight.

Mr. Bertram: What is the remedy for that?

Mr. NALDER: I am hoping the Minister will pass these comments on to the Minister for Police.

Mr. O'Connor: Put a governor on their cars.

Mr. NALDER: Action should be taken to make all drivers aware of their responsibility to themselves and to others.

Mr. Bickerton: I am not able to reply to that point because it would be out of order; it is not in the Bill.

Mr. NALDER: This has a lot to do with the wearing of equipment or the application of equipment prescribed in this legislation. Speed is one of the problems which makes the introduction of this legislation necessary. Many people do not respect the law or have due regard for the safety of other people. These people will weave through the traffic, completely ignoring the rights of the law-abiding public.

I agree that we should take any action designed to save people from being slaughtered on our roads. However, at the same time, it is unfortunate we are being asked to pass this legislation because of a small minority of reckless drivers.

Another aspect which has been referred to but which has been somewhat overlooked, is that we have been warned by the officers of the Police Department of the problem of drunken driving. Over and over again we are told that alcohol is a cause in over 50 per cent. of the fatal accidents which occur on our roads. We must look for a solution to the problem of fatal accidents.

I would like just to mention the fact that a great hue and cry has been raised over child drownings in private swimming pools. Of course, this is a legitimate cause for complaint, and consideration is being given to legislation to make swimming pools safer. Yet here we have the head of the Police Traffic Department telling us that 50 per cent. of our road fatalities are caused by the consumption of alcohol, and we are trying to find all sorts of excuses to avoid facing up to the problem. My own personal opinion is that the Police Department should be allowed to take whatever action it thinks desirable to overcome the problem. If the department believes certain action will reduce the slaughter on the roads, that action should be taken.

Mr. May: Do you agree with spot checks?

The SPEAKER: There is too much audible conversation in the Chamber.

Mr. NALDER: If spot checks will reduce the road toll, I believe they are warranted. I would not mind being stopped by a policeman to check whether he thought I was under the influence of alcohol. I believe this is his responsibility.

Mr. T. D. Evans: You would be pretty safe.

Mr. Bertram: Is there public support for this?

Mr. NALDER: Yes, there is public support for it.

Mr. Bertram: The public are opposing the compulsory wearing of seat belts.

Mr. NALDER: I appreciate you have allowed me some leniency, Mr. Speaker. Should we look at the action taken by the magistrates to deal with people brought before them for drunken driving? From time to time it has been stated in this House that fines are designed to reduce the incidence of accidents. Have the fines imposed for drunken driving had any effect? They have not had the slightest effect. Every day in the Press we read that seven, eight, or 10 people have been brought before the court for drunken driving.

Mr. Bickerton: When the legislation was going through the Chamber, your Government told us it would stop drunken driving.

Mr. NALDER: That is right, it was anticipated it would.

Mr. Bickerton: You say now it has had no effect?

Mr. NALDER: It was anticipated it would. However, I am talking about the situation at present.

Mr. Bickerton: That was compulsory legislation.

Mr. NALDER: That legislation does not appear to have had the desired effect. Would the Minister check this?

Mr. Bickerton: If you read my speech in *Hansard*, I said it would not necessarily cut down the number of road accidents.

Mr. NALDER: What is the answer then?

Mr. Bickerton: Safety belts!

Mr. NALDER: If that is the answer I will immediately sit down and shut up. The Minister is very confident and I hope he is right.

Mr. Bickerton: It will not be the complete answer, but each little bit helps.

Mr. NALDER: I do not believe the Minister really means that. However, I hope he is right. If that is the case I am prepared to sit down quickly without making any further suggestions. This is one of the most important problems we are facing today—not only in Western Australia but throughout Australia—and we do not seem to have a solution. However, the police should be given the authority to implement any sound proposals to reduce our road toll.

Mr. Lapham: The vehicles themselves should be looked at.

Mr. NALDER: The member for Karrinyup has made another suggestion, and I am inclined to agree with him. What do we do? Do we set a limit on the power of cars?

Mr. Lapham: This matter should be taken up with the manufacturers.

Mr. NALDER: That is a very good suggestion. I am all in favour of discussions at the highest level in the hope of finding a solution.

I have made these comments to indicate my support for any attempts to reduce the road toll.

MR. LEWIS (Moore) [5.09 p.m.]: The main purpose of this Bill is to make the wearing of seat belts compulsory. Because of its compulsory aspect I oppose the measure.

It is perhaps not inappropriate that in today's issue of the *Daily News* we are told on the front page that the road toll has been sharply reduced since the beginning of the combined *Daily News* and Police Traffic Branch driver-education campaign. The article commences as follows:—

The campaign began in mid-September and set out to instruct drivers on our road rules. Laws have been explained using diagrams and pictures.

In the October-November period, on figures completed to midnight last night, road deaths in the metropolitan area were down by more than 40 per cent. on last year.

I do not propose to read the rest of the article. This emphasizes that we need a driver-education campaign rigorously policed.

I commend the Police Department for using unidentified cars. In my experience, which extends now for 46 years—

Mr. Nalder: Do you still have a driver's license?

Mr. LEWIS: I still have a driver's license and it is unmarked. In my experience there is nothing more conducive to correct driving than to have a police car or a policeman somewhere in the vicinity. If the police use unmarked cars a driver will never know whether the car behind is a police car.

I oppose the Bill because of its negative approach to the problem. It does not seek to reduce the number of accidents but merely to lessen the effect of accidents.

Mr. O'Neil: It makes it safer to have an accident.

Mr. LEWIS: It may make it safer to have an accident, but wearing a seat belt will not prevent a driver from running into a tree or colliding with another vehicle. It will not stop drivers from taking foolish risks.

Mr. Lapham: It will give the young fellow the impression that he is safe.

Mr. LEWIS: It will prevent some deaths and probably lessen the severity of injuries; I agree with that. It will lessen the expense to hospitals.

Mr. Bertram: Surely they are adequate reasons for the introduction of this legislation.

Mr. LEWIS: I think there are good reasons to recommend the wearing of safety belts, but it should not be made compulsory.

There is nothing compulsory about this driver-education campaign. I commend the *Daily News* for its articles. The campaign is not compulsory and yet the public has responded to it.

There are four factors which contribute to the road toll; the driver, the vehicle, the roads, and the by-laws relating to road traffic. Many drivers are unskilled, but I think in the main the younger generation has a greater mechanical skill and a better reaction to dangerous situations than their parents. Of course they are inexperienced, and only time will remedy this. Many young drivers appear to be woefully ignorant of the traffic rules. I had this brought home to me the other day when I was following a trailer loaded with rubbish. The driver decided to turn right into an old bush track and the only signal was a hand signal immediately before the turn. This driver did not look to see whether the road was clear and when I remonstrated with him he said, "I gave a signal; that is all that is necessary." In this instance an accident was avoided but it was only because I was keeping a sharp lookout and had good brakes.

Many vehicles are mechanically defective, and this brings me to a strange part of this legislation. If I interpret the Minister's second reading speech correctly, the occupants of any vehicle manufactured before 1969 are not obliged to wear seat belts. I would like the Minister to correct me if I am wrong because this seems very strange. An old vehicle is more likely to be defective than a new one.

The only experience I had of driving a very old vehicle was back in the 1930s. I knew the vehicle was defective and I drove accordingly. However, the steering failed and I crashed into a tree; luckily with no serious result.

Mr. O'Neil: You were hit by a moving tree.

Mr. LEWIS: I wish to make the point that a more logical approach would have been to say, "After the year so-and-so seat belts will be compulsory." By that time most of the older vehicles would be replaced. If the Government is determined to make this compulsory, all vehicles should be included, and then, at some future date the Government could clamp down and say, "Motorists have had five years' warning of this; from now on it is

compulsory." However, I think it is just too ridiculous to exempt all vehicles registered prior to 1969.

Mr. Gayfer: Do they specify the type of seat belts?

Mr. LEWIS: I think insufficient publicity is given to the road system. Here let me pay a tribute to the Main Roads Department and local authorities for the steady improvement of our roads. Not only are roads being improved, but they are also being widened, provided with better surfaces, realigned, and so on. But much remains to be done. Doubtless all members of Parliament from their experience of driving, even in the metropolitan area, can point out situations which are positively dangerous. Every day I travel across the Thomas Street Bridge, and that is a hazard if ever there was one. There is a hump in the middle of the bridge and it is impossible to see traffic travelling towards one from the north. Anyone making a turn on the south side of the bridge takes his life into his hands. He could be one-third of the way across the intersection before he could see another car crossing the top of the hump. I understand it is planned that this bridge will be improved in this financial year. However, a number of sites in Perth are still very dangerous.

As far as country roads are concerned, many are far too narrow, and many have fairly sharp turns. I am not complaining about this because, after all, we cannot overcome all these problems overnight. I merely point out that it is not always the fault of the driver. Again, some of the lighting in the metropolitan area is rather dismal. I have found that it is easier to drive after the street lights are turned off when I can drive with my lights on full beam if no other cars are approaching. One can see better then than when one is driving before the lights are switched off because in many places street lighting is virtually only a glimmer.

Mr. Nalder: What do you do until the lights go off?

Mr. LEWIS: There are many ways in which members can amuse themselves until the street lights go out. If the member for Katanning would like a few tips, I do not mind giving him some. I believe we should follow up the driver-education campaign with the use of Press publicity, photographs, and the like. This will be of benefit to those people who are evidently in some doubt as to the meaning of the regulations. The very questions people ask demonstrate their ignorance of the laws. The laws are so plain to many people that the answer is clear before it is read. Nevertheless, there is an appalling ignorance on the part of too many people in relation to the meaning of the regulations and how they should be interpreted.

I feel the driver-education campaign should be continued, even to the point of using television as a medium and illustrating cases in which dangerous situations can occur and what should be done about them. I think that is far preferable to making it compulsory for some people to wear seat belts.

As far as I can interpret the second reading speech of the Minister—and I must say I was disappointed with it—the driver of a truck of over 4½ tons capacity—and there are many hundreds of those trucks—will be exempted from wearing a seat belt. That is the very type of vehicle the Minister mentioned as being involved in a fatality on the Snowy Mountains scheme as a result of the driver not wearing his seat belt. Those trucks are just as likely to career off the road and kill the driver, or to veer across the road and crash into an oncoming car, as any other vehicle. Nevertheless, they are to be exempted.

Also, passengers over the age of 70 years will be exempted from wearing seat belts. Are we to take it that the Minister considers those people are of no value to the community? Children under the age of eight years also are not obliged to wear seat belts. Implicit in this matter is probably the difficulty of finding some satisfactory belt; but I think that only spells out the need for more research so that those who wish to strap in their youngsters can do so with safety.

Mr. Fletcher: Seat belts for children can be seen at the R.A.C. headquarters. They are on display on the counter.

Mr. LEWIS: Then why is not provision made in the Bill for children under the age of eight years?

I do not wish to prolong the debate. I realise, of course, that we have not the numbers to do anything about this matter. Nevertheless, I repeat that this is a negative approach to reducing our road toll. True, it will save some lives; and that is important. But we would avoid the same number of fatalities if we pursued the driver-education campaign and pointed out to the people the value of wearing seat belts. Then they could decide for themselves. After all, we do not prevent the non-swimmer from entering deep water. If he wants to do so, he is entitled to take his life into his own hands. If I as a driver choose to take the risk of somebody else running into me, that is up to me.

So I think this is an altogether negative approach. I think our rising road toll calls for some positive approach—the pursuit of a more vigorous campaign of driver education, together with the other factors I have mentioned such as better roads, better lighting, and greater attention to unroadworthy vehicles. I oppose the Bill.

**MR. BICKERTON** (Pilbara—Minister for Housing) [5.22 p.m.]: I apologise to the House for being absent last night when the initial part of this debate took place. I was away on official business. I have read the remarks—in such time as I have had available—of those members who spoke on this Bill last night, and I have listened to the remarks of those who spoke this afternoon. I gather from those remarks that everyone who spoke is in favour of the Bill, with the exception of the member for Moore who said he would oppose it. Other speakers were generally in favour of the Bill on the grounds that it could or may go some way towards preventing some injuries or deaths on the road. I think that is possibly the whole purpose of the Bill.

I do not think anyone could say the wearing of seat belts will be the answer to the whole problem. I do not believe it will, anyway. I have always had an open mind on this matter; but one can only rely on the figures available—if they mean anything—in connection with other States. In Victoria the general consensus of opinion at this stage is that the compulsory wearing of seat belts has assisted in cutting down the number of cases of serious injury and, no doubt, death in some instances.

The other States have also taken notice of that fact. I think Queensland is the only State yet to introduce regulations, and it will introduce them some time in January. At that time the wearing of seat belts will be compulsory in all States of Australia. That being so, I refuse to believe that the members of all the Parliaments throughout Australia would agree with legislation, regardless of what sort of Government is in power, had they not been convinced that there are some benefits to be obtained and that the disadvantages resulting from the compulsory wearing of seat belts are outweighed by the advantages. That is how I see the situation, without going into a great deal of detail in connection with it.

Many of the remarks of members who spoke to this Bill dealt with traffic matters in general. I suppose it is fairly hard to deal with a Bill of this nature without generalising in respect of road safety matters. Nevertheless, I do not consider it is my job in closing the debate on the second reading of this Bill to answer all the remarks made concerning general road safety. Members know that I am handling this Bill on behalf of the Minister for Police, and it is a rather specific measure. It was introduced for the specific purpose of making the wearing of seat belts compulsory.

Of course, we can argue about the compulsion side of it; but I recall that the same people who argued about the compulsion supported the Bill which introduced compulsory breathalyser testing. I suppose which side of the road we drive

on is a matter of compulsion. We cannot just drive on any side of the road; we are compelled by law to drive on a certain side. So if members wish to get on to the subject of not liking compulsory legislation, they will get into all the trouble in the world.

I would say, from my limited knowledge of the matter, that the compulsory wearing of safety belts is worth a trial. I can only rely on the knowledge of the experts and the opinions expressed by all our leading doctors. As the member for Fremantle has pointed out on many occasions, the various hospitals have all come out in favour of the wearing of seat belts. Are we simply to ignore them altogether because it means some form of compulsion; or should we give it a trial? I think the House would be wise to pass this measure. I am sure some good will come from it. I do not necessarily think that everything the experts say will happen, because they have us by the short hairs. I recall that when breathalyser testing was introduced in this State the experts said it would overcome all the terrible tragedies on the road. But it has not, although it might have helped to a certain extent. If we go back to the experts and say, "It has not done what you said it would do" they simply say, "You think about how much worse it would have been had it not been introduced." The answer always comes back to that.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. Bate-man) in the Chair; the Minister for Housing (Mr. Bickerton) in charge of the Bill.

Clause 1: Short title and citation—

Mr. NALDER: Through you, Mr. Chairman, I would like to ask the Minister on what clause I may comment about fines for people not wearing seat belts.

Mr. Bickerton: You ask the Chairman of Committees, not me.

Mr. NALDER: Well, I will ask the Chairman. I thought the Minister might know.

The CHAIRMAN: The matter of fines is not mentioned in the Bill, but it could be included in regulations. Does the member for Katanning wish to ask a question of the Minister?

Mr. NALDER: I can see no part of this Bill which deals with regulations.

Mr. T. D. Evans: The clause setting out the power to make regulations is clause 4.

Mr. NALDER: Thank you, I will comment on that clause.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 47 amended—

Mr. STEPHENS: I move an amendment—

Page 2, line 12—Add after the word "equipment" the words "Provided that regulations made pursuant to this paragraph shall enable any person who objects on his own behalf or on behalf of himself and his children to the wearing or use of any prescribed item of equipment to obtain a certificate of exemption which shall relieve the person by whom or on whose behalf the objection is made of the requirement of wearing or using that item of equipment;"

Some exemptions are to be provided, but I consider the one mentioned in this amendment is equally justified.

I am not disputing the effectiveness of seat belts, but some people in the community feel that they owe their lives to the fact that they were not wearing seat belts when they were involved in motor accidents. Those people are in a minority, but they should be provided for in this legislation. Again, there are other people who have a phobia about being strapped to a seat in a vehicle. Under my amendment any person who feels strongly about the wearing of seat belts will be able to apply for, and be granted, exemption.

Mr. BICKERTON: I cannot accept this amendment, because to do so would destroy completely the principle behind the compulsory wearing of seat belts. Exemptions are to be prescribed under the regulations, such as the exemption of pregnant women, but the exemption proposed in the amendment before us is so wide that by agreeing to it we will render ineffective the provisions governing the compulsory wearing of seat belts.

Mr. O'CONNOR: Probably the exemptions that have been indicated by the Minister go too far. They will apply to children under eight years of age and adults over 70 years of age, but these are the very people whose reactions are slow. A child of two or three years of age will be sent into orbit when the brakes of a fast moving vehicle are applied quickly, and this also applies to elderly people. For that reason they, too, should be compelled to wear seat belts. If the seat belts are as good as they have been made out to be by the statistics which have been placed before us, then I think everybody should be covered by this legislation.

Mr. REID: I am in favour of the compulsory wearing of seat belts. I wear one all the time I am driving and I encourage my family to do the same. I would point out that under this legislation we are compelling a wide range of people to wear seat belts, and this might be a good thing when measured against the saving of lives

on the roads. Perhaps I could draw an analogy to the climbing of pine trees. A person doing this could be injured or killed, but there is no legislation governing the climbing of pine trees. Simply because more people drive motor vehicles and more people are killed in motor accidents than in the climbing of trees, it is proposed to introduce legislation which requires the compulsory wearing of seat belts. In my view a blanket provision to compel most people to wear seat belts goes too far. If a person honestly believes that it is not to his advantage to wear a seat belt he should be given the opportunity to apply for exemption.

Mr. O'Neil: He can be exempted by using a 1968-model car.

Mr. REID: He could, but with the effluxion of time that model wears out and he will have to buy a car of a later vintage. We should adopt a middle-of-the-road course in this matter. Although I am in favour of the compulsory wearing of seat belts as I believe this saves lives, some way out should be provided to enable people to make application for exemption. The member for Wembly summed up this matter correctly when he said, "God forbid when we have to legislate to protect a man from himself."

Dr. DADOUR: It is quite obvious that anything which will save lives should be adopted. Unfortunately, most of us do not like compulsion, and the amendment is trying to overcome that. However, once compulsion is removed from this legislation its purpose is defeated.

I see enough of the carnage on the roads and a great deal of the morbidity that results from motor accidents. To me anything that will reduce injuries and loss of life should be adopted, whether it be by the use of the breathalyser or some other device. The only argument against this legislation is the aspect of compulsion.

Mr. Lapham: Under this legislation only some vehicles will be covered.

Dr. DADOUR: Pregnant women will be exempted from the compulsory wearing of seat belts.

Mr. Lapham: What about people who drive 1969-model vehicles?

Dr. DADOUR: I think the amendment should not be agreed to.

Amendment put and negatived.

Mr. NALDER: Although the matter of fines is covered by the Minister's remarks on the regulations, why has some indication of the intention of the Government not been given? We have no idea whether action will be taken against a person who fails to wear a seat belt when travelling in a vehicle. Will he be taken to court and fined, even in respect of a first offence?

I suggest that for the first 12 months no fines at all be imposed. I propose further that some system, along the lines of the demerit points system, be adopted so that consistent offenders against whom a certain number of points have been debited will have their licenses suspended. I realise that many people will drive off in their cars forgetting that they are required to wear seat belts.

Mr. May: What happens when a person forgets to put 5c in a parking meter?

Mr. NALDER: I have put forward a very sensible approach. We need to educate the people in the wearing of seat belts. We should first of all work on a system of demerit points, so that when a person consistently ignores this legislation action will be taken against him.

Mr. Lapham: Do you think a person should be dictated to in regard to the seat he should occupy in a car?

Mr. NALDER: I am dealing with the fines and the offences under this legislation.

Mr. May: It would be a tremendous job administratively to adopt your proposal.

Mr. NALDER: No more difficult than to administer the existing demerit points system in respect of driving offences. I contend that a person who is apprehended for the first time for failing to wear a seat belt should not be fined. We have not even been told what is to be the amount of the fine for a first offence.

Mr. Bertram: I think it is \$10.

Mr. NALDER: Furthermore, we have not been told what will be the amount of the fine for a second and subsequent offence. Is there to be an increase on the amount of the fine for a first offence? Rather than impose fines, I suggest that for the first 12 months a demerit points system should be adopted in respect of the wearing of seat belts.

Mr. BICKERTON: Clause 4 seeks to amend section 47(2) of the Act by adding two paragraphs. The section deals with the power to make regulations under which fees and the fines may be prescribed. If that is not the case, I have no doubt that somewhere in the Traffic Act there is a dragnet provision to cover the prescribing of fines. This matter will come in under the regulations. Section 47 will provide the power to impose fines.

Mr. Nalder: Have the amounts of the fines been decided?

Mr. BICKERTON: Not to my knowledge, but when the regulations are made members will have an opportunity to see them when they are tabled.

Mr. Nalder: The fine would not be \$100.

Mr. BICKERTON: No, I do not imagine so.

Clause put and passed.

Title put and passed.



### Report

Bill reported, without amendment, and the report adopted.

### Third Reading

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

## CHILD WELFARE ACT AMENDMENT BILL

### Receipt and First Reading

Bill received from the Council; and, on motion by Mr. T. D. Evans (Attorney-General), read a first time.

## ALUMINA REFINERY (UPPER SWAN) AGREEMENT BILL

### Council's Amendment

Amendment made by the Council now considered.

### In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Graham (Minister for Development and Decentralisation) in charge of the Bill.

The amendment made by the Council was as follows:—

Page 2, line 5—Add after the word "authorized", the following—

when the Environmental Protection Authority proposed by the Bill entitled—

A Bill for an Act to make provision for the establishment of an Environmental Protection Authority, a Department of Environmental Protection and an Environmental Protection Council for the prevention and control of environmental pollution and for the protection and enhancement of the environment, to repeal the Physical Environment Protection Act, 1970, and for incidental and other purposes

has come into being and has considered and reported to the Premier on the project covered by the Agreement and the terms proposed so far as they relate to matters of environmental protection.

Mr. GRAHAM: I have been in this Parliament long enough to appreciate that there are times and occasions when people enjoy playing the game of party politics. That, when all is said and done, is part and parcel of our life and existence.

Mr. Gayfer: There have been no party politics in the last few weeks since the Minister has been away.

Mr. GRAHAM: It was not my desire to name any person but I would say very few of us, if any, have not availed ourselves of the opportunity—usually depending on which side of the House one sits.

In connection with this matter it has been said, *ad nauseam*, that the Premier will not sign the agreement in connection with the proposed alumina refinery until after the passage of the environmental protection legislation. For that reason it is not necessary to insert the provision in a Statute because surely the word of the Premier of the State—whoever he might be—solemnly given in many places and repeated in this Chamber can be accepted.

I have already said that a certain amount of party politics is understandable and adds to the spice of parliamentary debate. However, in connection with this legislation, I say with seriousness that discussions which have been taking place for some four years have culminated in this legislation. There have been negotiations between the principals and important investors and buyers overseas. The latter talks have been in progress for some 18 months and the people overseas are becoming impatient and wondering whether Western Australia wants this industry.

This has been stated and emphasised on a number of occasions and there have been interminable delays. It would appear that there has been a fiendish delight in many cases to misrepresent, to exaggerate, and to build up all sorts of false cases as to what might or could happen. This has occurred notwithstanding the fact that we have experienced, throughout the world and in Western Australia, conditions which give lie to 99.9 per cent. of what is alleged is likely to occur, and the dangers which will beset our people and the environment. The company concerned is wondering whether the patience of those people, who are an essential part of the programme if the industry is to proceed, is wearing thin.

Of course, there is not a 100 per cent. certainty that even with the passage of this legislation the project will go on. The insertion of the proposed amendment gives a more or less "Kathleen Mavourneen" flavour to the whole project, and that is not acceptable.

The company is in the position that it must accept what Parliament decrees. However, it would be assumed that there is a responsibility. I want to state that this is not a favoured child, or a favourite child of mine; I have a certain portfolio and it is the duty and the responsibility of the Government of the day to do certain things. The Government is doing those things in good conscience.

This question has been submitted to Parliament and it is expected that Parliament will make a responsible decision. If

the industry is lost because of this procrastination, this delay, and this irritation, then we know on whose head the blame should fall. The Labor Party, as such, will lose nothing. However, the State will lose a capital investment of the best part of \$200,000,000. The industry will provide employment, directly and indirectly, for approximately 1,000 people which, of course, means that a total of some 3,000 people will be sustained. Also, the industry will mean additional revenue to the State, and a flow-on to all sorts of other industries. That is how important this project is.

All the usual agencies which carry out investigations have investigated this proposition in the same way as they investigate any other proposition or proposed business undertaking, except that on this occasion additional precautions have been taken and the legislation is more tightly drawn than on any previous occasion.

It makes no difference when or where the Premier signs the agreement, except that he must do so in accordance with the undertakings he has given. The industry will be subject to every word of every piece of legislation—present and future—apply to the air, the environment, the health, and every other normal requirement.

Mr. Nalder: What will be the effect of the proposed amendment?

Mr. GRAHAM: As I have stated, the company faces the agreement with uncertainty, and it dislikes the prospect of going on month after month. The company cannot negotiate with overseas interests until the agreement is signed by the State.

All members will be aware that minerals, generally, have taken a turn for the worse, and that the economic situation throughout the world is uncertain. Of course, without a document or a title deed, or an instrument which has some degree of certainty, apart from other factors and money values, it is impossible for the company to proceed.

Negotiations are virtually at a standstill. It is true that I gave a date earlier but it is an easy matter for interests overseas to understand that when Parliament, through some circumstance, is not meeting, it is impossible to pass an agreement. If there are to be frustrations and delays, as there have been, and if we seek to impose all sorts of restrictions which give the impression we are not very enthusiastic about this project, then those who back this venture could not be blamed if they decided to give Western Australia away and move elsewhere.

I said during the course of an interview—and I will repeat it here—that the attitude of Western Australia can be measured by what has been going on. The people throughout the world are aware of what has been going on and they are wondering

why it is that Western Australia has this apparent resentment against propositions such as the Pacminex agreement which we are considering at the present moment. I will also refer to the Armco project and the Montan wax deposit on the Fitzgerald River Reserve, and there are others which I could also mention. We will probably have the same sort of thing when a decision has to be made on the establishment of an integrated iron and steel industry in Western Australia. We all know the dire necessity for the establishment of such an industry, particularly because of the downturn in our rural industry.

Mr. Nalder: What happens if it is impossible for the director to report?

Mr. GRAHAM: I have given an overall summary of the situation. In answer to the interjection, discussions have taken place today between the Department of Development and Decentralisation and Dr. O'Brien. As a consequence of those talks a period has been set down. Indeed, it is anticipated—provided there is expedition everywhere, and this has been confirmed with the Minister in charge of the environmental legislation—that no time will be lost in setting up the authority and all the machinery which is necessary in order to enable it to function. Of course, the legislation has to be assented to in the first place as a preliminary to this being done.

Dr. O'Brien will be able to get on with the job. I might read a paragraph of a letter sent to me by Mr. Lewis who was previously the Director of Industrial Development, and who is now the Assistant Co-ordinator (Industries).

He says in his minute—

A discussion with Dr. O'Brien, the Director of the Environmental Protection Authority indicates that a report, providing it does not become a policy matter, could be ready before the 29th of February.

As a matter of fact, a date several weeks earlier than that was mentioned but, in order to be safe, the later date of the 29th February has been adopted.

Mr. Nalder: It could be ready earlier?

Mr. GRAHAM: That is so. Of course, he is an officer and this is contingent upon other things. I have already indicated that I have spoken to the responsible Minister who has assured me it will be treated by him as a matter of extreme urgency, and Dr. O'Brien is prepared to put other considerations aside and regard this matter as having top priority in order to enable this to be done. The minute continues—

Therefore, to give the company some protection that there is not undue delay in presentation of the report, it is suggested that a further Amendment be moved to the effect that the report referred to in Section

2 be presented to the Hon. Premier not later than the 29th February, 1972.

Dr. O'Brien has advised his Hon. Minister that it is possible, barring unforeseen eventualities, to have the report ready within this time scale and a copy of his memorandum to the Hon. Minister for Environmental Protection is attached for your information.

That matter is dealt with in some detail. It will be immediately understood that Dr. O'Brien is not a complete stranger to the area or to the factors that have been raised in connection with this proposed industrial establishment.

Whilst I do not like the amendment, and I think the legislation would be better without it, in the interests of expedition and to avoid the possibility of friction between the two Houses, I now propose to move that the Council's amendment be agreed to subject to a further amendment. I move—

That the amendment made by the Council be agreed to, subject to the following further amendment:—

by adding the following words after the word "protection" at the end of the paragraph:—

"such report to be presented to the Premier not later than the twenty-ninth day of February one thousand nine hundred and seventy-two".

I hope and trust the other House will accept the assurances I have been given in the talks that have taken place.

Mr. COURT: I hope the Minister will not persist with this amendment. If he does he will be imperilling the whole Bill. I think I should trace the background of this matter because we are not dealing with a usual situation. In fact, it is a very unusual situation.

The situation is that during the election this matter became a great issue which was fermented by the present Government, which gave certain very categorical undertakings in respect of environmental protection, to which the agreement relating to this industry was related. This is an issue of the Government's own making; it is not a matter it can lay at the door of the Opposition. It is quite wrong and unfair of the Minister to threaten the Opposition and the Legislative Council that they will be responsible for losing an industry. It is not on their heads at all; it is on the Government's head.

The Minister said this agreement had been more tightly drawn than would have been the case had the previous Government brought it down. I do not agree.

Mr. Graham: I did not say that. I said it was more tightly drawn than other agreements.

Mr. COURT: Let us take those words—"other agreements." Had this agreement been handled by the Brand Government, it would at least have signed the agreement and taken the responsibility up to that point. The agreement would have been submitted to the environmental protection council and brought to Parliament with that report. Parliament could then have considered the whole document and the whole set of circumstances, including the attitude of the environmental protection authority, and this agreement would have been out of the way weeks ago.

But what happened? The Government, because of its election policies and its mandate—and we did not question that when the Bill was brought here; we assisted its passage in this House—brought down an entirely new Bill. It did not even proclaim the old one but left us without any protection at all for many months, and because of what the Government did it found itself without any machinery to have this matter considered over the last few months and in the immediate future.

I suggest to the Minister that he could run into all sorts of trouble when this Bill becomes law if his amendment is adopted. The environmental protection legislation will be watched very closely by people who, in some cases, are absolutely fanatical about it; and the first thing they will challenge is whether this is a matter of policy. It would be a mighty clever Director of Environmental Protection, with his council and his authority, who could oppose a challenge that this Bill did or did not involve a matter of policy.

We did not oppose the clauses concerned because the Government wanted it that way, but we have been trying to point out to the Government that in the Bill it has brought down it is building up a network of machinery under which it could take a long time to reach matters of policy. We are hoping the Government will be able to have the matters considered quickly and perhaps decide the question of basic policy, but I doubt it. I assume Dr. O'Brien in the meantime has been preparing the framework of basic policy for his authority and council so that the time for its consideration, promulgation, and acceptance will be reduced to the absolute minimum.

If the words suggested by the Minister are included in the Bill, a situation could arise where, through circumstances beyond its control, the authority could not produce a report by the 29th February. This could easily happen through sickness, death, or frustration on the part of some members of the authority or the council. What would the Minister do then? That would be the end of the agreement because the date would have passed and the report would not have been made.

I want to raise another issue; that is, the nature of the report. The Minister will be as aware as I am that there was very strong pressure on the Legislative Council to add a word in the amendment it has suggested. The word was to be inserted after the word "reported" so that the last part of the amendment would read—

has come into being and has considered and reported favourably to the Premier . . .

Wiser counsel has prevailed and said this was a responsibility the Government must take; that all Parliament could say was a report must be received.

When the suggestion was put to me I said, "I do not believe the word should go in because it is too restrictive and the Government must stand up and be counted. If it gets an unfavourable report and still decides to go on, it is on the Government's head, and the Parliament should do no more than insist that the report be received. It will then be a decision by the Government of the day, as will be the case over the years with many things which are not the subject of ratified agreements."

I therefore think the Government, in its anxiety to insert a date, will probably produce a two-edged sword, because I can foresee the gentlemen in another place starting to revive their interest in this word "favourable." Whilst I assume it would only be upon receipt of a favourable report that the project would proceed, I can foresee all sorts of problems if the provision is expressed in such watertight terms as to say it must be favourably reported on before the Premier can even sign the agreement. That is what it means—sign the agreement, not proceed with it.

I sincerely hope the Deputy Premier will think again about this matter before we make a decision in this Chamber and weigh up whether it is in the interests of his proposition, the project, and the Bill to accept the amendment put forward by the Legislative Council as it stands. I know this particular agreement has worried the Minister and the Government because of the amount of controversy and discussion that have taken place, but I come back to my earlier point—that this whole situation is not of the Opposition's making; it has come about because of a series of events beginning at the elections and including the statements made by the Premier about his attitude towards this agreement, the statements made by the Government about its attitude towards environmental protection, and the fact that the Government made the serious tactical error in submitting the Bills in the wrong order.

I respectfully suggest that if the Bills had gone through the Chamber the other way around, much of the talky-talky

would have been obviated, the Bills would have gone through in their proper sequence, and the law in respect of the agreement and the environmental protection legislation could have been in operation. I hope the Minister will change his mind on this matter. I also hope he can tell us some of the reasons why he, Dr. O'Brien, and the Government believe they can have this matter considered outside the normal policy matters that call for special procedures under the legislation that is currently before the House.

Mr. GRAHAM: It appears that one can repeat a statement on many occasions, yet it does not sink in. The fact of the matter—which I repeat for the nth time—is that the Premier of the State has given a solemn undertaking in respect of this piece of legislation as regards certain events which must take place before he signs the agreement; but whether or not he had given that undertaking, and irrespective of what legislation was dealt with by the Government first or second, the fact of the matter is that this industry, before a sod has been turned, will be subject to the environmental protection legislation as it exists when it passes through this Parliament and as it will be in any form whatsoever as amended from time to time hereafter. The protection is therefore in the hands of Parliament.

Coming back to the dates, a limit has been placed in the agreement at the request of the company so that it will know there is a terminating date and the matter will not go on interminably. I repeat that it has been discussed between departmental officers and Dr. O'Brien, and this is quite acceptable to him. It may surprise the Deputy Leader of the Opposition to know it was suggested the date could have been a month earlier but the additional month has been given as the latest date, in case of accidents.

Mr. Court: Why do you need the date?

Mr. GRAHAM: In view of what I said prior to my last sentence or two, there is no need for the Legislative Council's amendment, but because of its existence it is necessary to lay down something to assure the people overseas that this will not go on into March, June, September, or January 12 months, or something of that nature.

Mr. Court: Why imperil your Bill?

Mr. O'Neill: We are trying to be helpful.

Mr. GRAHAM: The company is prepared to have the Bill imperilled—if I might use the word—because there is advantage to be gained from its ability to assure its prospective partners and participants overseas by having a date laid down which is also acceptable to the proposed Government authority dealing with environmental protection.

Mr. O'Neill: Did the industry request the amendment in this form? Who designed this amendment? If you read it into the

amendment from the Council, it is self-defeating. If it had said the Premier would not sign the agreement unless the report had been presented—

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. GRAHAM: When you relieved the Committee from having to listen to me, Mr. Chairman, I was endeavouring to present the position with which we are confronted. The Opposition should be quite content with the proposition before us, because by and large the effect will be no different—except perhaps in timing.

The Legislative Council has inserted an amendment which requires certain things to be done: things which will be done in any case. It will not matter whether these things are done before or after the signing of the agreement unless, of course, members wish to play at political tiddly-winks, or wish to embarrass the company and thus threaten the success of the entire project.

I understand the Legislative Council is reasonably emphatic about its amendment. I have already indicated that even though I think it is wrong I am prepared to accept the amendment in deference to the company and the dealings it has with people overseas; those who will be financing the project and who will play an important part in connection with marketing.

Instead of being faced with an interminable period the company wishes to know with some degree of certainty just how long this operation will take. Talks have taken place between my department and Dr. O'Brien and it has been ascertained that all that is required to conform with the environmental protection legislation can be done in a period of some six weeks; assuming that the Minister responsible for the environmental protection legislation plays his part and is reasonably co-operative—and I now refer to assent being given to the legislation; to the setting up of the authority and generally to getting the machinery working. I am told that Dr. O'Brien can have his report in the Minister's hands by the 24th January; approximately by the end of January. But in order to play safe we have given an extra month.

We are merely notifying the people who will be providing the many millions of dollars and those who will be providing the market for the product that instead of going on for some indefinite period hereafter, Parliament which has inserted this amendment has also placed a time limit which the authority responsible has indicated is well within its scope.

What possible objection could there be to that? The company regards this as being essential; at the same time the Legislative Council will have gained its pound of flesh; its amendment will have

been accepted. Thus it will be possible to make the company happy and the Legislative Council happy and as a Parliament we will be able to say that we have played our part in enabling the establishment of this important industry—which will certainly help our economy—to become a reality instead of a political talking point.

Nothing will be gained by rejecting the proposition I have put forward. Surely the Opposition in either House will be satisfied at some point in time. Surely there is nothing wrong in accepting my amendment which is something that the company wants—not what the Government wants, but what the company wants—to assist it with its 18-month-long negotiations with overseas financiers and marketeers. There is nothing wrong in accepting the amendment while at the same time obliging the Legislative Council.

Mr. Hutchinson: Apart from what you say as to the practical value of the amendment, have you considered what might happen to the Bill if it goes back to another place with an amendment to their amendment?

Mr. GRAHAM: I hope and trust that members of the Parliamentary Liberal Party and of the Parliamentary Country Party will be sufficiently responsible not lightly to throw overboard an industry of some \$200,000,000 capital investment which will provide employment directly and indirectly for about 1,000 persons and will contribute greatly to the benefits of the economy. There are innumerable safeguards in connection with the activities of the company and I feel sure members will have a greater sense of responsibility and that they will not prejudice the company in this venture.

Mr. Court: Do not tempt them too far.

Mr. GRAHAM: I have indicated that here is a company which seeks to set itself up in business in Western Australia; a company which had talks over several years with the previous Government on most of the points which, incidentally, were sought by the previous Government.

With its sense of responsibility, and through its officers, the present Government has continued the talks in connection with the agreement very much along the lines of the previous agreement and the Government in due course brought the agreement to Parliament.

I am sure that the various elements of Parliament will be interested in this industry; an industry which could play an important part in helping the economy of Western Australia at a time when it very much needs that help. I do not know how I am trying or tempting anybody; because I am prepared to accept every word of the amendment made by the legislative Council. I am merely inserting something to suit the company with its

endeavours and am suggesting a date which is acceptable to the environmental protection authority.

Accordingly what harm would be done? How am I provoking anybody? While we in Parliament play a part in these matters I think it will be acknowledged that a Government has certain responsibilities; responsibilities from which this Government is not running away. The Government is satisfied that through its departmental officers and the new authority it can conform to the difficulty of the date that has been set down.

The company is appalled at the prospect of having to go back, after an almost interminable delay, to those with whom it has been talking for some 18 months to tell them that whilst Parliament has agreed there is still another stage to which there is no time limit—it could be six months, 12 months, five years, or any other time. This could be fatal to the industry which from the inception has indicated that it is comparatively marginal.

Mr. O'Neil: The Minister does not have to persuade us; that is the point we are trying to make. In this Committee the Minister has the numbers to do anything he likes.

Mr. GRAHAM: I do not want governmental numbers, I want all members to have an appreciation of their responsibility and agree with me and I hope and pray that members of Her Majesty's Opposition as presently constituted will appreciate that no harm is being done and no affront is intended to the Legislative Council; and I trust there will be the same impact on members in another place.

Accordingly I hope members will give serious consideration to the whole proposition as it affects the entire industry and the people associated with it. I do not seek this consideration on behalf of the Government because whichever party happened to be in government the Bill would still need to be introduced.

Mr. O'NEIL: The Minister has once again covered the pros and cons in respect of the industry and the action that has been taken. We passed this Bill which contained an agreement and while doing the same thing members in another place inserted an amendment and asked for our concurrence. All that we should be considering at the moment is the message from the Legislative Council. The Minister is not prepared to accept the fact that we are trying to be helpful. He spent a lot of time in trying to persuade us what we should do in connection with this amendment. The point is, however, that if we adopted an attitude which forced this matter to a division the Minister would still have the numbers to overcome the difficulty.

The Minister should test the attitude that might be adopted in another place if the Bill were returned with his amendment. The Minister talked about political tidily-winks but I again say that all we are trying to do is to be helpful. The member for Mirrabooka can chuckle; that is all he is capable of doing. He has not been in the place long enough to grow a decent head of hair.

Mr. Graham: That is unnecessary.

Mr. O'NEIL: It might be, and it is very rarely that I lose my hair in this Chamber. The member for Mirrabooka has never seen a committee of managers in operation.

Mr. Graham: He has not been here long enough to become pot-bellied either.

Mr. O'NEIL: When introducing his amendment the Minister commenced with a tirade and talked about people playing party politics, but he later turned it into a facetious remark thus cooling the troubled waters.

We are not playing party politics; we are making a genuine attempt to help the Minister. We are not going into the pros and cons of the industry or of the Minister's amendment to the amendment; all we are discussing is the amendment made by the Legislative Council. If the Minister got one of his colleagues to take a walk down to the other end he would realise what will happen to this Bill if his amendment is passed, and I feel sure this would help him change his mind.

Mr. Davies: You are threatening.

Mr. O'Neil: I am not threatening.

Mr. Graham: Of course you are!

Mr. COURT: My colleague, in carrying on from where I left off before the tea suspension, has set out the position very clearly. We endeavoured to explain to the Minister what happened in the course of deliberations in another place. It is only because of a certain amount of restraint and good sense shown by a number of people that the word "favourably" is not in the amendment made by the Legislative Council. The amendment was left in its present form for good reason. I explained that it now means that when the report is received Parliament is saying the decision from that point onwards is in the Government's hands.

Had another place inserted the word "favourably" the Government's hands would have been completely tied and it would have been unable to move in any way. The other point raised by the Minister was that say, for instance, a catastrophe of some sort occurred and the people at present proposed to make up the environmental protection authority are not available, a situation could arise, through no fault of anybody, that there is no report

by the 29th February. Has the Minister contemplated what would happen to the agreement then?

Mr. Graham: Of course he has and so has the company, and it is prepared to take the risk rather than allow a situation which could mean an uncertain period of perhaps three months, six months, or some other period.

Mr. COURT: If the Minister continues to go on like this he cannot expect much co-operation. He has threatened the members in another place and he has said the responsibility will be on our heads if the industry does not go ahead.

Mr. Graham: If that is not so, on whose head would it be?

Mr. COURT: It would be on the head of the Government because of the way it handled negotiations in the first place. If the matter had been handled correctly it could have been brought here in an entirely different atmosphere. The Minister has created an adverse atmosphere. As I said earlier this position goes back to the election.

Mr. Graham: What atmosphere?

Mr. COURT: This atmosphere between the environmental protection requirements and the Pacminex company.

Mr. Graham: How?

Mr. O'Neil: The whole trouble started when you chickened out of signing the agreement. You should have signed the agreement in the first place.

Mr. Graham: This is the proper way an agreement should be brought to Parliament. It should not be brought forward as a *fait accompli*. We should first ask Parliament for its decision.

The CHAIRMAN: Order!

Mr. COURT: If I may interject for a moment, the Minister, in addition to his threats, now talks about the Legislative Council getting "its pound of flesh." It has done nothing of the sort. It has merely done what it is entitled to do and put into the amendment exactly what the Government proposed to the public.

Mr. Graham: And it has been accepted.

Mr. COURT: With one exception. The Minister wants to place a restriction on the proposal which will bring a great deal of trouble on the Government's head.

Mr. Graham: It has been agreed to by Dr. O'Brien.

Mr. COURT: It is obviously useless trying to convince the Minister and his colleagues that we are endeavouring to put forward a sensible proposition that will ensure the agreement goes forward to be considered by the environmental authority and eventually will continue to go forward in the normal way. Dr. O'Brien has said that the report could be

in his hands by the 24th January next, but in this evening's issue of the *Daily News* we read that the report is nearly finished. How different is this from the advice given by the Leader of the Opposition in another place?

Mr. Davies: That is an incorrect report.

Mr. COURT: I am not quarrelling about it. I am assuming, as a matter of good sense, that Dr. O'Brien has done some work in regard to this proposal and also has made some progress in the formulation of his policy which he will submit to his authority and the Government.

I believe the Minister should have a talk to his Premier to avoid the pitfalls associated with this matter. Some of us have been here long enough to know what happens if the amendment is considered by a conference of managers. The Government would be wise to take the amendment that has been put forward by another place. All that should be done is to allow the machinery to work as has been suggested and let the normal procedure take over from that point onwards.

We want to make it clear that if the Government persists, because of its principles, in having this amendment it now seeks to make to the Council's amendment and a mishap occurs in another place, or during the conference of managers, the decision will be on the Government's head. We do not want it said by the Minister that it is the fault of the Opposition. He had the proposal handed to him on a plate and now he is going to run the risk of there being an upset.

Mr. GRAHAM: Let us not get too excited as to who is wrong. The Government has introduced legislation containing an agreement and has supported it all the way through. Therefore if it does not become law how can the Deputy Leader of the Opposition suggest there is any responsibility on the Government's head?

Mr. Court: It is entirely on your head.

Mr. GRAHAM: The Legislative Council requested certain words to be added, and that has been accepted. All the Government seeks to do in deference to the company to assist it in its travail is to ensure that the period stated is quite acceptable to the environmental protection authority.

Mr. Grayden: Cannot the Government do that without the amendment?

Mr. GRAHAM: Cannot the Government do what the Legislative Council seeks to do without that restriction being imposed? What I have indicated is that the company, because of its embarrassment in dealing with other people who will be finding a great deal of the capital and finding the markets, and because the local sponsors find themselves in difficulty, wants something reasonably concrete in order to

be in a position to continue its discussions. If the amendment is left in its present form without there being any time limit, although we in Western Australia who hear all the news may be prepared to accept my statement that this objective will be reached in a certain period, people on the other side of the world have nothing but a piece of legislation before them. As a result they have been impatient. They have expressed their impatience and shown their desire that something should be agreed to by Western Australia which will enable them to carry on their business and discussions with their Australian partners.

Mr. Grayden: But they would accept the good faith of the Government. This amendment will not reassure them.

Mr. GRAHAM: It will. The company has requested that this be done in order to assist it with its deliberations. If we can accede to the company's request without taking anything away from the Legislative Council's amendment—which this amendment does not do—why should we not agree to the amendment? What would be lost by it?

Mr. Mensaros: Why does not the company believe the Government?

Mr. GRAHAM: Why does not the Opposition believe the Government?

Mr. O'Neill: Why don't you confer with your leader in another place? There has been sufficient time. Ask him what will be the attitude of the Chamber which he leads.

Mr. GRAHAM: The member for East Melville does not do himself justice. I believe that the members of the Parliamentary Liberal Party in this Chamber have a sense of responsibility and, because of that, will not indulge in a cheap political trick against the Government.

Mr. O'Neill: Every time you say that you jeopardise your own case.

Mr. GRAHAM: I am saying that the members of the Parliamentary Liberal Party would not do that, and I am of the opinion that the members of the Liberal Party in another place would not do that either. So I have a confidence in the honourable member's party which apparently he does not have himself. I do not know what will be lost if we can get things down to a proper level again. I repeat that another place wants an amendment to ensure that certain things will be done before the Premier appends his signature to the agreement. That is unnecessary because he has already indicated that those things will be done. However, the Legislative Council wants that condition inserted in the Bill and we are accepting that amendment. But in order to placate the company and make it easier for it to continue with its deliberations, after consultation with those people whose

job it is to investigate, we wish to have included a restricted period in the case of some mishap. Why should there be this heat and opposition generated?

Mr. O'Neill: The amendment is yours; you have it and you can do with it what you like!

Mr. GRAHAM: In coming to the point of the whole discussion, those in this Chamber—irrespective of party affiliation—consider there is nothing unreasonable in the proposition. I would hope that the attitude of those who constitute the second Chamber would be somewhat the same.

Mr. Court: In saying that you are taking things for granted. Let this be recorded: We consider the amendment ill-advised and foolish. If you insist on it, because of your principles, we repeat that it will be on your head and not on ours.

Mr. GRAHAM: I could use those descriptive words in regard to the Legislative Council's amendment.

Mr. O'Neill: We have had that and it is passed.

Mr. GRAHAM: All the amendment is a request to the Legislative Council that, having regard for all the circumstances, we will preserve its amendment, but we will ensure that time will not drag on endlessly; that there will be a limited period.

Rather than have any confrontation, I have accepted the Legislative Council's amendment. I do not know of any reason—and the members of the Opposition have not put forward any reason—for this opposition to my amendment.

Mr. Court: The company sought to get these dates put in in another place. That is why I am warning you.

Mr. GRAHAM: We are dealing with the situation in this Chamber and, incidentally, I have not been shown any proof of the detail that occurred in another place.

Mr. O'Neill: I have suggested to you a couple of times that you should find out.

Mr. GRAHAM: Therefore this Chamber—

Mr. O'Neill: This Chamber can do what it likes, because it has the numbers. Are you not prepared to accept advice?

Mr. GRAHAM: Is there anything wrong with the Government, after further consultations—including those with the environmental protection authority—expressing its view—and indeed this Chamber expressing its view—hoping, because of further opinion, that the Legislative Council will agree to this amendment?

Mr. O'Neill: Hoping it will agree?

Mr. GRAHAM: That is the spirit of it.

Mr. Court: Your representatives accepted this amendment last night.



Mr. GRAHAM: I have accepted it.

Mr. Hutchinson: I understand the Premier was in favour of it, or did not mind its being passed.

Mr. GRAHAM: There would not be one member in this Chamber, although not being happy about it, who will not accept it. However, the express wish of the company—and because it is possible to do it as stated by Dr. O'Brien—is to have this limitation imposed but still give effect to what the Legislative Council desires. I merely wish to ensure that there is a specified time; that certain action will be taken some time before that. That is all there is in the amendment. We are asking the Legislative Council to accept this time limitation.

Within my own knowledge I do not know whether this will prejudice the success of the venture and, if so, to what extent. All I know is what these people tell us. I take it that the Colonial Sugar Refining Company, the Hancock-Wright group, and others associated with the venture in this State, together with the Pacminex representatives in Perth and in the Eastern States are reasonable people and would not make approaches to us unless they considered there was some necessity for them to be made.

If this is analysed coldly and calmly it will be seen there is no head-on collision because we have accepted what the Council requests. However we wish to make it a little more comfortable for the company, but within a time limit, and I hope the Committee will accept the proposition.

Mr. GRAYDEN: I cannot help thinking we are wasting time needlessly on this amendment which means absolutely nothing. The request of Pacminex indicates that its principals are abysmally ignorant of the procedures in this Chamber. If not they would not have requested such an amendment. They must accept in good faith that the Premier will sign the agreement after the environmental authority has studied it. In those circumstances he can give an assurance to the company that the agreement will be signed before a particular date. It is as simple as that.

If the amendment is made to the Council's amendment the Bill will be jeopardised because on the return of the message to another place further amendments could be made which might even require a favourable decision from the environmental authority.

The Minister's proposal means nothing at all because although a decision might be made by the 29th February it need not necessarily be a favourable one.

Mr. Graham: But it will be a decision.

Mr. GRAYDEN: The Premier can give that assurance now. If we pursue this amendment the Bill could be lost.

Mr. MENSAROS: Another point which has not been raised yet is that the report need not necessarily be a favourable report. Should the Government have an inkling that the report is not going to be favourable, it could by giving further points to the director to consider, delay it beyond the date set in the amendment. Then the Government would have the excuse of signing the agreement without the report. What we want is that it should be the Government's responsibility to sign the agreement whatever the report contains.

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

### *Report*

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

## CONSUMER PROTECTION BILL

### *In Committee*

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Taylor (Minister for Consumer Protection) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Construction of Act—

Mr. TAYLOR: I move an amendment—

Page 3, line 7—Add after the section number "5." the subsection designation "(1)".

The purpose of this amendment is to allow for the insertion of a subclause to bring the council and the bureau of consumer affairs under the Secretary of the Department of Labour who would act as an intermediary between the council and the bureau on the one hand and the Minister on the other. This subclause is similar to provisions in other legislation in this State—the scaffolding legislation is one instance—and in legislation in three other States. The Government believes it is warranted.

Mr. O'NEIL: We have no objection to this amendment. In fact it answers a query I raised during the second reading debate concerning liaison or contact between the council and the bureau. I mentioned it seemed passing strange that no member of the bureau was on the council.

The amendment combines the responsibility of both the bureau and the council into one department and places the secretary of that department in overall charge of the legislation and matters affecting both the council and the bureau. It also obviates the creation of yet another Government department.

Amendment put and passed.

Mr. TAYLOR: I move an amendment—

Page 3—Add after subclause (1) the following new subclause to stand as subclause (2):—

Adminis-  
tration of  
Act.

(2) This Act shall be administered by the Minister and, subject to any direction of the Minister, by the person for the time being holding the office of the Secretary for Labour in the department of the State known as the Department of Labour.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Consumer Affairs Council—

Mr. TAYLOR: I move an amendment—

Page 3, lines 36 and 37—Delete the passage “registered under the Industrial Arbitration Act, 1912”.

In attempting to give adequate representation to a large body of people we have in fact given representation to only 5 per cent. to 8 per cent. of those who may be described as employers. Paragraph (f) of subclause (2) refers to industrial unions of workers of which there are roughly 80 registered within this State. However, only six employer bodies are registered under the Industrial Arbitration Act and these cater for only 5 per cent. to 8 per cent. of employers. Therefore, to give the council the balance intended, this amendment has been submitted, which, if passed, would mean that an appointment could be made from any employer body within the State.

Mr. O'NEIL: I would like the Minister to have a closer look at this amendment, and I would like the opinion of any legal practitioner in the Chamber concerning what the Minister hopes to achieve. It is my understanding that no industrial union is a legal entity unless it is in some way registered, and in this State the only place for registration is with the Industrial Commission. Consequently if we pass this amendment the provision will not be sensible.

Mr. Davies: We are going to put something else in, aren't we?

Mr. O'NEIL: No. The Minister merely moved to delete the passage in this paragraph. As a result one member of the council will be a member of an industrial union of employers. However I do not believe that any group of people can be regarded as a legal entity unless it is in some way recognised by law, and the only way these unions—whether of employers or employees—can be recognised by law is by registration with the Industrial Commission.

I suggest the Minister may care to reconsider his amendment. I do not know whether he has had the benefit of Crown Law opinion on this issue but, if he insists on proceeding, we must vote against

it. If he is prepared to withdraw his amendment and have the matter considered before the Bill goes to another place he would be wise indeed.

Mr. TAYLOR: On the advice given to me when we checked the desirability, or otherwise, of deleting these words, I understand the word “union” refers to groups which may term themselves as associations or federations. These would all be applicable. As the Bill is printed we see in small letters, “one shall be a member of an industrial union of employees.” This has a general sense. As I have said, a federation or any other group would fit in this category. This is the information I have been given.

The member for East Melville has made a point and I will certainly have it checked before the legislation reaches another place. However, my advice to the present time is that the amendment would work and, if passed, the legislation will carry out what is required of it. I would like the Committee to agree to the amendment.

Mr. O'NEIL: I have one final point to make on this issue. I am not concerned whether a group of people is called a federation, association, or union. This is not the point. For there to be a representative of a specified and recognised group of people—no matter what it might be—it is my contention that group would have to be a legally-recognised entity. I may be wrong and I have asked the legal eagles in the Chamber to help but no help has been forthcoming. To my mind the only way a group could be legally recognised is by registration with the Industrial Commission.

Mr. BERTRAM: The whole matter turns, it seems, on whether a union, body or association can properly call itself a union without being registered under the Industrial Arbitration Act. I am of the opinion that such a body could be a union.

Mr. O'Neil: You are not one of the two-handed lawyers, are you? On the one hand, it is this and on the other, that.

Mr. BERTRAM: I think the Employers Federation is registered under the Associations Incorporation Act. The combination of more than one body or person for a purpose is a union. It is a getting-together.

Mr. O'Neil: This is an industrial union.

Mr. BERTRAM: It can be an industrial union if it deals with matters pertaining to industry. The wording in the Bill at the moment says “industrial union.”

Although I do not know for certain, I suspect the Minister is concerned with the fact that under the measure as it is now worded there could not be an appointee from the Employers Federation, because that body is not a registered industrial union.

Mr. Taylor: It is not registered under the Act.

Mr. BERTRAM: It may well be, and almost certainly is, registered under the Associations Incorporation Act. However, whether it is does not matter. On the Minister's arithmetic the Employers Federation may represent 95 per cent. of employers. The registered employers' unions represent only 5 per cent. to 8 per cent. of the employers, I think the Minister said. The whole thing hinges on this. The whole gist of the amendment is, I would think, to allow the Employers Federation to qualify within clause 6 (2) (g). Is the Employers Federation an industrial union of employers? That is the question. It may well be. Other members could tell me whether the Employers Federation is registered under the Associations Incorporation Act. I would think it most certainly is.

Mr. O'Neill: It is a registered union of employers.

Mr. BERTRAM: Under the Associations Incorporation Act, it is an incorporated body, and it is an industrial union of employers. It is certainly nothing other than industrial. This is what it is all about. The federation has to do with industry; this is its prime, if not only objective.

I support the Minister's amendment because he wants to give greater coverage under the Act and allow employers total value. He does not want to restrict selection to something like 6 per cent. of employers in the State.

Mr. O'NEIL: This is my third and final point. I cannot agree with my learned friend.

Mr. Bertram: What was the use of asking for the opinion? I co-operated but you do not accept it. You wanted a two-handed lawyer but I did not co-operate in that respect.

Mr. O'NEIL: I would be less than human if I did not seek an opinion that suits my own point of view.

Mr. Nalder: If the member for Mt. Hawthorn hands in a bill for \$20 his opinion may be worth something.

Mr. O'NEIL: I oppose the Minister's amendment. I have invited him to have this matter thoroughly checked.

Mr. Taylor: I have agreed to do that.

Mr. O'NEIL: If he receives a legal assurance to confirm his view the amendment could be proceeded with in another place. I fear that by deleting the reference to "registered under the Industrial Arbitration Act, 1912" he will find himself referring to a body which does not exist in law. It may be true that to retain the provision as it stands may be to include the Employers Federation and other groups of employers which have, for different reasons,

registered with the commission as industrial unions. Also it may exclude others which have not registered. However, I still believe that the idea, so far as the Government is concerned, is to balance industrial representation on the consumer affairs council.

I hazard a guess that if we, on this side of the House, had introduced a Bill clause 6 (2) (f) would not appear. In a matter of consumer affairs one can find little justification for having an industrial union of workers represented. However, having accepted that it is the policy and principle of the Government to have unions represented on most boards and councils the Government has at least gone so far as to admit it will have an industrialist, selected by employers, represented as well. This will balance out the industrial representation, although I cannot see the need for either.

Mr. Taylor: The member for East Melbourne will oppose my amendment. What does he suggest should be included in the Bill?

Mr. O'NEIL: I suggest we should leave it as it is. It would be safer. If the Minister can obtain an absolute assurance that, by deleting these words, it will widen the range from which he can select an employer's representative perhaps another place could be persuaded to move the amendment if it is satisfied it is the right thing to do. If this is done, the Minister will satisfy my query.

Although I had some prior knowledge of the Minister's amendment it was not on the notice paper. I wonder whether the Minister had ample time to have this information checked. In actual fact, I do not think anyone would have raised the query with him before the matter was brought up in the Chamber.

Mr. May: We just had a legal opinion.

Mr. Bertram: The member for East Melbourne asked for it, received it, and rejected it.

Mr. O'NEIL: The member for Boulder-Dundas is not in the Chamber.

Mr. Bertram: He would have another view.

Mr. O'NEIL: I simply ask the Minister to reconsider this and either allow his amendment to be defeated or else to withdraw it.

Mr. MENSAROS: Would the Minister be kind enough to inform the Committee which unions or associations are not registered of those that may represent up to 95 per cent. of employers? The Committee should be quite clear on this point. I ask the Minister to advise which are registered at present and which are not.

Mr. TAYLOR: In answer to the member for Floreat, there is an organisation known as the Employers Federation which, as I

understand it, represents 90 to 95 per cent. of employers. There is a group of six employer bodies which are, in fact, registered under the Industrial Arbitration Act, 1912. From memory, these are concerned with the meat industry, the plastering industry, and the metal trades industry.

Mr. Jamieson: The Master Plumbers Association, too.

Mr. TAYLOR: Yes, the master plumbers. I thank the Minister for that interjection.

Mr. Mensaros: Are they members of the Employers Federation?

Mr. TAYLOR: The point is well taken. This is the crux of it. If the amendment is accepted it could be a member of a union registered under the Industrial Arbitration Act, but it would not preclude others.

I come back to the objection raised by the member for East Melville who used the word "safer" when he said it would be safer to leave the wording of the Bill as is. It would not be safer so far as the Government is concerned to leave it as is, because to do so would mean that the choice would have to be made out of essentially 5 per cent. to 8 per cent. of employer bodies.

The Government had sufficient time to have the amendment checked with fairly authoritative sources and is satisfied that the effect of the amendment will be to allow a choice to be made from any employer body within the State. It would not preclude any.

The Government believes it is the safer method to amend the legislation now and, if necessary, have it amended again in another place. It is far better to do this than to leave included in the legislation what is at this stage absolutely wrong.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 13 put and passed.

Clause 14: Functions of Council—

Mr. W. A. MANNING: If members will look at clause 14(1)(c) they will see that amendment is certainly necessary. The provision does not make sense as it stands. For the benefit of the Committee I shall read it to members. It says—

to make recommendations to the Minister for the establishment and maintenance of means by which matters—

I shall leave out the next few lines but the sense to be picked up in the second last line from the word "matters" is, "may make representations." Matters cannot make representations. Obviously the clause needs some amendment.

Mr. O'Neil: Maybe it should have been "matters."

Mr. W. A. MANNING: To accomplish this, I have placed an amendment on the notice paper. I propose that the words "may make recommendations" should be replaced by "may receive adequate consideration." I do not think the amendment needs a great deal of explanation on my part, because it is so obvious. I move an amendment—

Delete all words after the word "may" on page 6, line 36, down to and including the word "public" on page 7, line 3, and substitute the following words:—

receive adequate consideration and whereby information concerning such matters and considerations may be disseminated at large.

Mr. TAYLOR: I am quite happy to accept the amendment that has been moved. I wish to thank the member for Narrogin for reading the fine print so carefully as to find a drafting error. Certainly I appreciate his drawing the attention of the Committee to this and I have no objection to the amendment.

Amendment put and passed.

Mr. W. A. MANNING: I feel there is a necessity for different wording in sub-clause 2. Members will agree it would hardly be a function of the council to affiliate with any organisation, whether in the Commonwealth or outside it. The council may be able to co-operate or consult, but I feel it is taking things too far to allow the council to affiliate with any organisation. Therefore, I move an amendment—

Page 7, lines 6 to 13—Delete all words commencing with the word "whether" down to and including the word "protection", and substitute the following words:—

which has the power to make investigations of the nature referred to in subsection (1) of this section.

I realise there is another amendment on the notice paper concerning this paragraph and no doubt consideration will be given to that also. However, I would like the Minister's comments on the amendment I have moved.

Mr. O'NEIL: I am sorry to step in ahead of the Minister, but it is an opportunity for me to indicate the amendment standing in my name on the notice paper. This subclause has occasioned concern to the Country Party and to the Liberal Party. I want to make the point that the Minister should consider either one of these two amendments. I am inclined to the belief that the amendment proposed by the member for Narrogin does not go quite far enough.

Mr. Taylor: Will you oppose it?

Mr. O'NEIL: Probably we can compromise when we know the attitude of the Minister. We would like to hear the Minister's point of view in respect of both amendments. If the amendment proposed by the member for Narrogin is accepted it would confine the power of the council to co-operating and consulting with similar organisations. The power to affiliate should be confined to organisations within the Commonwealth of Australia.

My amendment proposes to add a completely new subclause qualifying the power to affiliate. The council would have the power to affiliate with statutory bodies set up within the Commonwealth of Australia or reputable bodies outside the Commonwealth. We propose that Parliament has the right to examine any suggested affiliation and to disallow the affiliation if Parliament does not think the organisations are reputable.

The Minister has a double-barrelled issue here. Perhaps the member for Narrogin could be persuaded to forgo his amendment if the Minister indicated he is prepared to accept mine.

Mr. TAYLOR: This gives me a nice alternative. In fact, neither amendment is acceptable.

Mr. O'Neil: You disappoint us.

Mr. TAYLOR: The points made have relevance but only to a certain degree. The amendment moved by the member for Narrogin in fact appears in a clause in the New South Wales consumer protection legislation. If members look at the wording of the Bill they will see it limits contact to bodies which have as their object the carrying out of similar functions. Anybody interested in consumer affairs surely must be interested in other areas beyond the limit of their own council. A council is being set up for a particular job; it is being set up to advise the Minister in certain specific areas. I believe the council should be aware of matters outside the confines of its own functions. To limit it to contact with bodies working in the same narrow areas could well preclude it from getting necessary information.

The consumer council in Queensland is affiliated with several international bodies. The chairman of the council is currently at a conference in India. This council is affiliated with a number of Asian organisations, and with a world body whose headquarters are in Holland. This world body met in Austria and Sweden last year. The Minister from New South Wales attended those conferences so obviously the need was felt for some extra contact.

The amendment put forward by the member for East Melville does not help the situation at all. In paragraph (a) appears the word "reputable." The council would be able to affiliate with anyone within the Commonwealth, but outside the Commonwealth it would only be able to

affiliate with reputable international bodies. Who would decide what international body is reputable? Looking at the Federal scene at the moment, which of the two Chinas would the Prime Minister define as reputable? This situation could easily change tomorrow now that the President of the United States has made a statement.

Mr. O'Neil: You are not suggesting the council is going to affiliate with Taiwan?

Mr. TAYLOR: The word "reputable," is the key word here. The council can affiliate with a reputable body only. It must be borne in mind that the amendment proposed by the member for East Melville would allow the council to co-operate and consult with bodies outside the Commonwealth.

Mr. O'Neil: I was going to make that point. I thought you had missed it.

Mr. TAYLOR: This word "affiliate" could be deleted and problems still arise by the council co-operating and consulting with other bodies.

I think the amendment moved by the member for Narrogin is too restrictive, and the proposed amendment of the member for East Melville would accomplish nothing. In fact, if I could deal with them both together, I feel they indicate a lack of confidence in the council as a body. The legislation allows the council very wide scope to consult with people and to co-operate with them for the purpose of assisting consumers. A qualification such as this would show a complete lack of confidence in the council. The council cannot parade itself to the world; its function is only to advise the Minister. It is under the control of the head of a department who is in turn responsible to the Minister. There is no reason to suggest that the council is likely to go outside the bounds of propriety as far as its functions are concerned.

I would like to add two final points which are perhaps not very important but do add weight. The amendment proposed by the member for Narrogin is contained in the New South Wales legislation. The South Australian legislation allows the consumer protection body much wider power. In fact, our wording is very similar to theirs except that we delete the word "collaborate." Certainly that word may not have been acceptable to the Committee. The second last clause of the Queensland legislation reads as follows:—

For the purpose of performing its functions the council may co-operate or affiliate with any person or any other organisation.

Surely our legislation is more restrictive than that. I believe we can have trust in the members of the council and I would like to leave the clause as it is.

Mr. O'NEIL: The Minister has done his best to defeat his own argument when he indicates the Queensland legislation contains a provision—

Mr. Taylor: New South Wales.

Mr. O'NEIL:—similar to the amendment proposed by the member for Narragin. The Minister admitted my amendment would still allow the council to co-operate and consult with any organisation, body, or person. We simply desire to qualify the word "affiliate." This matter concerns me.

I raised a query as to Government representation on the council. I was prepared to concede that by placing the council and the bureau under the charge of the Minister *via* the Secretary for Labour, the liaison and contact between departments is enforced. I wonder whether the councils in South Australia and Queensland have a Government member on them. If there is no Government representation on the council it is a completely lay council without the benefit of advice from a Government representative. The council would be able to affiliate with any organisation remotely concerned with consumer affairs—even if it is the lager lovers' league of Western Australia.

Mr. TAYLOR: I would like to inform the member for East Melbourne that the Queensland council has no Government representation on it. Ironically enough, to turn the honourable member's argument, it is the New South Wales legislation which limits representation. However in New South Wales the Under-Secretary for Labour is the chairman. The Queensland council is completely free except for the ties through the department and the Minister. This council has unlimited scope and I believe a Parliament should place this confidence in a council such as this.

Mr. W. A. MANNING: I am sorry the Minister in his wisdom has rejected my amendment. The only thing wrong is that his wisdom does not agree with my wisdom. I wish I could return to the word "affiliate," but you, Mr. Chairman, will watch the situation and stop my regression.

With regard to the amendment I moved, I think this word destroys the clause. I have taken the trouble to look up the dictionary and "affiliate" means "to adopt persons as members, societies as branches." It is quite a different thing to co-operate or consult. If the word "affiliate" were deleted I would be much happier. I see no reason for the council to affiliate with other bodies. However, I cannot delete the word at this stage of the proceedings so I must accept the decision of the Minister. I think it would have been a very wise decision on his part to have accepted the amendment.

I emphasise the point that the main objection is to the council's affiliating with bodies all over the world. I think it is quite unnecessary to use this word.

Mr. TAYLOR: I ask members to consider again the word "affiliate." I have already made the point that at least two other States to my knowledge—and I am not precluding others—are already affiliated with some world-wide bodies. The Minister in one State has attended a conference, and the chairman and commissioner in another State are actually attending a conference at the moment. The bodies in those States must be affiliated in order to do this. How much consideration can we receive from a body if we are not a member of that body? How much consideration would we receive from the United Nations if we were not a member?

I think it is a common-sense approach that if one belongs to an organisation one shares in the material that may be available. That is the purpose of this provision; to learn about consumer affairs and to convey that knowledge to the public at large. The one sure way to do this is to affiliate. After all, surely the council will be a responsible body, and it will be able to share in the accumulated knowledge of other organisations.

Mr. MENSAROS: I do not disagree with the remarks of the Minister. We understand perfectly that if there is a necessity he wishes the council to affiliate with overseas organisations from which it can profit. I would like to refer to the difficulty which the Minister seems to imagine; and I also refer to his interjection yesterday, which I have only just noticed in *Hansard*. I would most definitely not say that he is not reputable. In fact, I have the greatest respect for him even though I may differ from him in certain political views. However, the difficulty in relation to the word "reputable" is that—as the Minister said—an organisation could be thought to be reputable one day, but thought not to be reputable another day. The view of this Parliament, however, expresses this change, and it could best say whether or not the council is right according to the views of the day.

Amendment put and negatived.

Mr. O'NEIL: I move an amendment—

Page 7—Add after subclause (2) in lines 4 to 13, the following new subclause to stand as subclause (3):—

- (3) (a) Notwithstanding the provisions of subsection (2) of this section within the Commonwealth the Council may affiliate only with bodies which have the power to make investigations of the nature referred to in subsection (1) of this section and outside the Commonwealth may affiliate only with reputable international bodies.

- (b) An affiliation is not effective until a notice of affiliation under the hand of the Commissioner is published in the *Government Gazette*.
- (c) Section thirty-six of the Interpretation Act 1918 applies to any notice of affiliation as though the notice were a regulation.

I will not discuss this amendment because it relates to the matter we have previously discussed. There is no need for me to explain it further.

Mr. TAYLOR: I wish to repeat the points I have already made. The word "reputable" is too difficult to assess in this regard. It has no consequence in any case, because the council can still co-operate and consult. There is a precedent in two other States—the two latest to present their legislation—which allows those States to place some trust in their councils. The final point—and in the final analysis it is the only worth-while point—is that we are setting up a council, and Parliament should have confidence in it and allow it to make its own judgments. I oppose the amendment.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Functions of the Bureau—

Mr. O'NEIL: I would like to hear the views of the Minister on a matter which has been brought to my notice. This clause enumerates the functions of the bureau, and subclause (1) (c) gives the commissioner a fair amount of latitude in determining just what complaints he will investigate, and whether or not he will take action, including legal action, on behalf of a consumer. It has been suggested to me that this provision vests a considerable amount of power and discretion in the commissioner. Perhaps the body which should be vested with the power to determine whether or not the commissioner should proceed to take action is the council itself.

I think the Minister mentioned that in New South Wales some 11,000 complaints were received in the first year. Under those circumstances the council will meet every second day to determine which complaints the commissioner should proceed with; so perhaps I have answered my own query. However, I would like the Minister to give consideration to this very wide power which is vested in the commissioner.

Mr. TAYLOR: I think if members reflect upon the situation they will appreciate that this provision is as it should be. The Council will be set up only to advise the

Minister so that he may advise the Government. The commissioner, through the bureau, will be in fact a Government department, and he will function beneath a departmental head—the Secretary for Labour—and through him, the Minister. The clause certainly does appear to grant considerable powers to the commissioner. However, I think members should peruse clause 18 (2) (b) which states that the commissioner shall not institute or defend any proceedings without first obtaining the written consent of the Minister. The council will be merely an advisory body, and the commissioner will be working within the Government system as such. He will be required to take matters higher before he can institute proceedings. It is not the function of the council to meet, say, every week or every month to sift complaints.

Clause put and passed.

Clause 18: Power of Commissioner to institute or defend legal proceedings on behalf of consumers—

Mr. R. L. YOUNG: I have an amendment on the notice paper to delete certain words in subclause (2) (a). However, before dealing with that I would like to draw the attention of the Minister to a matter which the Committee might wish to have clarified. Although the commissioner has the power to enter into, or to defend, litigation on behalf of the consumer, it appears to me that he cannot withdraw from litigation.

Mr. Taylor: To which subclause are you referring?

Mr. R. L. YOUNG: I am referring now to subclause (3), paragraphs (a) and (b) wherein the commissioner is vested with the same rights and control over the proceedings as the consumer would have had he entered into proceedings on his own behalf. It seems to me that the word "proceedings" does not cover the right of withdrawal of the litigation. Perhaps the Minister may comment on that aspect.

With regard to the words I propose be deleted from subclause (2) (a), it seems to me that if the commissioner agrees that a consumer has a case and, after having obtained the written consent of the Minister, becomes embroiled in the case, the consumer has no power to withdraw from his complaint unless he receives the written consent of the commissioner. At first glance I was inclined to think that he should receive the written consent of the Minister, because I think the Minister should have the final say. Then I wondered whether or not this provision should be included at all. I would like the Minister to say whether those words are included as a result of the question of costs. I can understand the situation where the commissioner gets to a certain stage with the proceedings and then, having incurred a considerable amount of costs, wishes to withdraw from the litigation. But if it

is a question of costs it would seem to me that this provision goes too far simply to cover that aspect. Perhaps the consumer should be given the right to withdraw, provided he is liable for the costs which have been incurred up to that point. Therefore, I move an amendment—

Page 10, line 5—Delete the words “which once given is irrevocable except with the consent of the Commissioner”.

Mr. TAYLOR: In regard to the query raised by the member for Wembley concerning subclause (3), paragraphs (a) and (b), I would say that most certainly the commissioner can withdraw from an action.

The proceedings extend from the time of the presentation of the writ to the final judgment. Because of this and the fact that the commissioner has control of the proceedings we can be assured that they will be conducted in such a manner as the commissioner thinks fit. This gives him full scope either to institute or to withdraw from an action, with the consent of the Minister.

I am opposed to the amendment. The words which it seeks to delete have been included for the public good, and have nothing to do with costs. There is precedent for this type of provision. What the commissioner will be concerned about is that after having gone through all the formalities of obtaining redress of a wrong, action may be instituted with the written consent of the Minister.

I use the example of pyramid selling, as mentioned by the member for Wembley. At this point of time it could eventuate that action is being taken on behalf of a person, but it should be borne in mind that very many other people could be involved in the same type of situation. Let us assume there is a move at the last minute to pay up, in order to cover the situation. The person concerned is given the opportunity to receive the money, rather than to have a court direct payment. That person might want to pull out. Whilst the question of expense is involved, the important aspect is that it is not intended that a case should reach this stage unless it affected the public interest. If it was an isolated instance there might be need to question the continuance of the proceedings.

I have been reminded that this sort of thing happens with insurance companies involving the insurance of motor vehicles. A car could be damaged to the extent where it has to be written off, and the insurance company pays the person who has insured the vehicle. The right of that person is then subrogated, and action can be taken in his name by the insurance company. This often happens in the case of vehicles insured with the Motor Vehicle Insurance Trust. Once a person makes

a claim on the trust and the trust pays up, it has the right to sue the other party involved in the accident. The insured person has subrogated his right, and it is left to the trust to decide whether or not to proceed.

Whilst it appears that this provision could be abused, I would point out that before the commissioner can take action he must obtain the written consent of the Minister who may impose such conditions as he thinks fit.

Paragraph (a) of subclause (2) states that a person having given his consent cannot withdraw from an action without the consent of the commissioner. It does not state that the commissioner has no right to give that consent. There is precedent for this provision in other areas, and the whole spirit of the legislation intends that action may be taken in the public interest. I would point out that the wording of this provision is taken verbatim from the Act of another State.

Mr. R. L. YOUNG: I thank the Minister for his assurance on the right of the commissioner to consent to the withdrawal from proceedings. I would like the Minister to tell us why the consent of the Minister under subclause (2) (b) has to be obtained.

I am glad to know that this clause has nothing to do with costs. I can visualise an instance where some person is one of several parties to an action, and it may be in the public interest to proceed with the case, but I cannot accept the analogy of the Minister regarding the subrogation of rights in the case of insurance. A person who is insured has the opportunity under the insurance contract between himself and the company to take action. The insurance company is either liable to pay him under the contract; or has already paid him before he subrogated his right.

Mr. Taylor: The insurance company does not pay until the person has made a claim. Once he has made a claim he cannot pull out.

Mr. R. L. YOUNG: That is so, but there is the contract existing between the insured and the insurance company. In the case mentioned by the Minister we have the consumer going to an independent body and asking it to take action on his behalf. There is no contractual situation between these two parties and there is no subrogation of rights.

A situation might arise where a person is placed in a position of not wanting a case to be proceeded with because it might be damaging to him in the long run. Only a very wise man can see all the problems which might arise, and obviously the Minister will be faced with some arising from subclause (2) (b). I can understand the situation where an individual might want to withdraw from a case for publicity reasons.



Before I resume my seat I would ask the Minister to comment on subclause (2)(a) as to whether the commissioner should be empowered to give consent.

Mr. O'NEIL: We still wish to proceed with the amendment. Subclause (2) states that the commissioner shall not institute or defend any proceedings without complying with two conditions. The first is to obtain the written consent of the consumer; and the second is to obtain the written consent of the Minister. The consent given by the consumer is to be irrevocable unless the commissioner decides to accept his reason for withdrawing from an action. The Minister might impose certain conditions on giving his written consent to the commissioner to institute proceedings.

Two things have to take place: in one case the commissioner makes part of the determination, and in the other the Minister makes part of the determination.

What happens if the Minister authorises the commissioner to institute proceedings and then stipulates—because he can lay down any conditions—that under no circumstances can the commissioner give the consumer the right to withdraw? I believe the situation would be much tidier if the ultimate decision in both cases rested with the Minister. If the Minister is not prepared to accept this amendment, I wonder whether he would consider amending subclause (2)(a) to read—

Obtaining the written consent of the consumer which once given is irrevocable except with the consent of the Minister.

Mr. TAYLOR: I do appreciate the points raised, but I am sure I can explain the present wording. The action is taken by the commissioner on behalf of someone so that as far as the court action itself is concerned it is an action by the commissioner on behalf of Bill Smith. He then cannot withdraw that action from the court even if he does handstands in all directions.

Mr. O'Neil: If he employed the member for Mt. Hawthorn to represent him he could.

Mr. TAYLOR: The procedure as laid down is that the commissioner takes the action in his name on behalf of Bill Smith so that as far as the court is concerned Bill Smith cannot do anything, and he certainly cannot revoke it without the consent of the commissioner because it is the commissioner who is taking the action. However the actions of the commissioner—and this is where we differ a little in our interpretation—are taken under the direction of the Minister.

The member for East Melville has been a Minister, in fact the Minister of the department which is administering this

legislation, and I think he is reading something into the provision which is not there.

Mr. R. L. YOUNG: I do not quite follow the reasoning of the Minister.

Mr. Taylor: I did my best.

Mr. R. L. YOUNG: I think the Minister did it very well, too, but I do not see the logic in what he said. The commissioner is briefed by the consumer.

Mr. Taylor: He gives him written consent.

Mr. R. L. YOUNG: Yes, but that does not mean the consumer cannot subsequently withdraw. He can ask the Minister to request the commissioner to withdraw the action. In other words the Minister overrides the commissioner.

Mr. TAYLOR: I was a little confused with the argument.

Mr. R. L. Young: Mutual confusion society.

Mr. TAYLOR: As with most legislation of this type, the purpose is to cater for the extreme case and not the run-of-the-mill situation. A person has made a complaint and after long processes he gives permission for action and that action is taken on his behalf. We must realise that all inquiries would have been made before the action was instituted. Every doubt would be explored. Consequently, the action cannot be withdrawn unless permission is given by the commissioner. If the commissioner considers that the reason the person wants to withdraw is not in the interests of the community, the action will not be withdrawn. I can give an assurance only up to that point.

I repeat that many interviews would occur before court action was instituted, but it could still be withdrawn if the commissioner consents. This provision is necessary and I can give the assurance that in its administration it would give the benefit when required.

Amendment put and negatived.

Clause put and passed.

Clause 19: Power of Commissioner to investigate, inquire and obtain information—

Mr. MENSAROS: The amendment in my name on the notice paper serves two purposes. The first is that before entering premises the commissioner or his employees must give notice to the occupier whose premises they intend to enter; and the second is that the commissioner must have a warrant to do so.

Two reasons exist for this amendment; perhaps one is incorporated in the Bill in clause 19(1)(c). Surely the requirement to produce documents is a much smaller matter than entering premises; yet when the requirement for production of documents comes into a question, notice in

writing might be given. Therefore there is a forewarning. However, in connection with entering premises, no warning whatever is given. The commissioner or his employees can, without any notice, enter; and, furthermore, they can enter without any warrant.

As I said in my second reading speech, we know a number of Statutes allow this, but I do not like these provisions in any of them. However, there is some difference between the provision in this Statute and provisions in other Statutes, because if an inspector from, say, the Potato Marketing Board wants to inspect premises, he might want to inspect something which could be altered if a notice of prewarning were given.

Mr. Taylor: Does this not apply in this case too?

Mr. MENSAROS: I do not think so, however, this point is of the least interest. I want to record that we are not in a police State, and even if such provision has been included previously, no necessity exists for its inclusion now in the new legislation so that someone can enter premises without a warrant. The police cannot do it and I see no reason for anyone else to do so. This is a principle which is approved by the party I represent, and members opposite would find it very hard to object to it. It applies only in States and nations where the law is not observed as we desire it to be observed. I believe the amendment is not something which is contrary to the intentions of the Bill.

I move an amendment—

Page 12, lines 19 to 27—Delete all words after the word “shall” down to and including the word “person”.

Mr. TAYLOR: I expected that this clause would cause considerable debate and I am a little surprised that the case put forward was not as strong as it might have been. While discussing this matter with a member from the opposite side of the House it was suggested to me that if the Opposition was putting forward this legislation this clause would have been included, and I, in opposition, would have opposed it. That is possible. However, the fact that the situation is reversed does not alter anything at all.

Clause 19 deals with the right to enter premises and we all have some differences on this matter. Governments do not like putting this type of provision in legislation and invariably the Opposition protests. However, I can only say that this right of entry is already contained in much of our legislation. I am informed that something like 40 Acts incorporate this sort of provision. Within my own department the Bread Act contains such a provision, as do many other Acts. Certainly, some of the Acts qualify the provision and provide right of entry within certain hours. However, the majority give the right of entry at any hour.

In one sense I can accept the argument put forward but at the same time it is not strong enough to make me wish to delete the provision. In all the cases where legislation gives the right of entry to my knowledge it has never been abused.

The words which the honourable member proposes to insert in lieu of those which the amendment seeks to delete provide, firstly, that the commissioner, or a person authorised by the commissioner, shall obtain a warrant from a magistrate or a justice of the peace. Secondly, it is proposed to give the occupier of the premises not less than 24 hours' notice. I do not think that provision warrants any consideration at all. We are talking about an extreme situation. The 24 hours' notice provision does not apply in other legislation. I believe the clause should remain as it is.

Mr. MENSAROS: If it is considered that a warrant would have no value whatsoever we could say that none of our legislation has any value. The police are required to have a warrant to enter premises and surely if we are to observe legalities and rules we must have this provision. The Minister's argument is reversed when he says the provision appears in so many Acts but is not abused. Neither can it be established that the request for a warrant would be abused. A magistrate or a justice would give consideration to the matter before issuing a warrant. If the Minister suggests otherwise he has no faith in justices, and no faith in the whole system.

The other argument regarding the 40-odd Acts which already contain the provision does not prove anything. The Minister said this was a provision he did not like to use and, therefore, expressed the view that he thinks it is wrong. I hope the Minister will reconsider my amendment.

Mr. O'NEIL: I want to support the contention of the member for Floreat. The Minister mentioned that anyone could obtain a warrant to enter premises.

Mr. Taylor: I said a commissioner.

Mr. O'NEIL: Of course, it need not be the commissioner; it could be an officer appointed by the commissioner. The proposed amendment states that the warrant will be issued by a magistrate or a justice, and that person has to be satisfied that the entry is sought in good faith for the purpose of carrying out an investigation or inquiry under the Act. To repeat something wrong twice does not make it right.

Magistrates and justices are responsible people. I am prepared to concede the point that 24 hours' notice certainly gives a person the opportunity to dispose of documents which are the subject of the warrant. I agree with the member for Floreat, and I am certain the Minister also agrees, that the fact that the right

of entry without a warrant is in other legislation does not make it a good provision. I would like the Minister to consider agreeing that the commissioner should obtain a warrant if we concede the provision requiring 24 hours' notice.

Mr. TAYLOR: I am a little surprised that my words were taken in the way that they were. Perhaps I should qualify what I said. I made the point that in many other Acts—certainly in some of those that come under the Department of Labour—there is the right of entry on the production of authority through the Minister. To my knowledge no Act contains a requirement that an approach should be made to a magistrate or a justice.

The point made was that if a commissioner went to a justice for a warrant he would obviously have to give a reason. I cannot imagine any justice, no matter how conscientious he was, not accepting in good faith the comments of the commissioner or his officer when requesting a warrant. I am not against this amendment because I think a justice would not be as careful in this connection; I am making the point that the provision is not required because nothing would be gained from it. The provision is not in any other Act and it is certainly not required.

There will be authority from the Minister downwards, and that authority, signed by the Minister, must be produced. It must be shown before entry is made.

This would appear to me to be sufficient. It has been sufficient in other legislation and it will be appropriate in this legislation. I oppose the amendment.

Mr. MENSAROS: Very briefly I shall mention one more reason to which I referred during the second reading. The Minister quite rightly said he would come back to it at the Committee stage. It relates to the 24 hours' notice. I do not want to say any more about the warrant. The Minister and I almost agree to disagree, because I feel it is extremely important.

So far as the 24 hours' notice is concerned, I mentioned this matter yesterday because serious consequences could follow an investigation of a firm, because the firm's whole reputation, goodwill and name could be in question.

For this reason the firm should have not only the right but be in the physical position to engage counsel if the commissioner or one of his employees enters premises to make an investigation. My main reason for moving the amendment is to give the occupier who is to be investigated not only the right but also the opportunity to engage legal counsel because the effect of the investigation could be detrimental to him. This could happen through a newspaper article carrying a heading, "XYZ Pty. Ltd. has been investigated by the Com-

missioner." The article could state that his premises were entered without any notice.

Mr. Taylor: The member for Floreat is referring to part 2 of the amendment?

Mr. MENSAROS: I am referring to a period of 24 hours' notice. I stressed this point during the second reading. I have stated the main reason for requesting the Committee to agree to this, apart from the warrant which, as I have said, is vitally important in my point of view as a principle.

Mr. TAYLOR: I oppose this amendment, too, as I mentioned previously and for the reasons I stated at the time.

I cannot for the life of me imagine how, in the light of what is proposed in this legislation, one could give an occupier 24 hours' notice of intention to take action. After all, we are dealing with a person who will be involved in a great deal of correspondence and many interviews. What would be the position under other Acts, such as the Health Act, the Fisheries Act, the Bread Act, the Factories and Shops Act, and certain agricultural Acts if, in each case, an inspector had to give 24 hours' notice of his intention to enter premises? It would not work.

I appreciate the point the member for Floreat has made in that it would give the occupier the opportunity to obtain legal counsel beforehand, but the whole purpose of wanting to enter premises would be defeated. I cannot see the amendment serves any purpose at all in the carriage of justice. I oppose it.

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

#### Ayes—21

Mr. Blakie	Mr. Nalder
Sir David Brand	Mr. O'Neill
Mr. Court	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	(Teller)

#### Noes—22

Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Cook	Mr. Möller
Mr. Davies	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. A. R. Tonkin
Mr. Graham	Mr. J. T. Tonkin
Mr. Jamieson	Mr. Harman

(Teller)

#### Pairs

Ayes	Noes
Mr. Thompson	Mr. Burke
Mr. Rushton	Mr. Hartrey
Mr. O'Connor	Mr. Bickerton

Amendment thus negatived.

Clause put and passed.

Clauses 20 to 27 put and passed.

Title put and passed.

**Report**

Bill reported, with amendments, and the report adopted.

**BILLS (8): RETURNED**

1. Coal Mine Workers (Pensions) Act Amendment Bill.
  2. Legal Practitioners Act Amendment Bill.
  3. Commonwealth Places (Administration of Laws) Act Amendment Bill.
  4. Dried Fruits Act Amendment Bill.
  5. Supreme Court Act Amendment Bill.
  6. Administration Act Amendment Bill (No. 2).
  7. Evidence Act Amendment Bill.
  8. Traffic Act Amendment Bill (No. 2).
- Bills returned from the Council without amendment.

**PRISONS ACT AMENDMENT BILL***Receipt and First Reading*

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

*Second Reading*

**MR. TAYLOR** (Cockburn—Minister for Labour) [9.44 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Prisons Act, 1903-1969, to allow for the change of the title of Comptroller-General of Prisons to Director of the Department of Corrections.

In recent years, a number of reforms have been inaugurated in the field of corrections in Western Australia, such as work release, temporary leave, and the establishment of a remand and assessment unit. The aim has been to amalgamate several areas in the formation of an adult corrections department. Another move has been the transfer of the Forensic Division of the Mental Health Services to prisons administration.

Recently, it was agreed that in keeping with other States in Australia and many other countries in the world the name of the Prisons Department in this State should be changed to the Department of Corrections, and this has been done.

To bring the Prisons Act into line with these changes, the nomenclature of the office of Comptroller-General of Prisons mentioned in the Prisons Act is to be changed to that of Director of the Department of Corrections. Such a step will be in keeping with the successful prisons reforms already established in Western Australia.

I commend this Bill to the House.

**MR. O'NEIL** (East Melville) [9.45 p.m.]: We are taking the unusual step of not asking for an adjournment. I have read quickly through the Bill and there is nothing in it other than the changing of the title Comptroller-General of Prisons to Director of the Department of Corrections. I trust all the other Bills which come before this Chamber will be just as difficult as this one. I support the Bill.

**MR. TAYLOR** (Cockburn—Minister for Labour) [9.46 p.m.]: I express my appreciation to the member for East Melville and thank him for accepting the Bill so readily.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

**MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL***Receipt and First Reading*

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

*Second Reading*

**MR. TAYLOR** (Cockburn—Minister for Labour) [9.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill comprises six clauses and is to bring up to date the penalties prescribed in various sections of the Act and, more appropriately, to present-day values. The changes have been based on the variation in the average earnings as supplied by the Bureau of Census and Statistics indicating that between 1959-1960 and 1970-1971 wages doubled.

The Bill provides for amendments to sections 4, 10, 28, and 33 to double the maximum penalties prescribed.

There is also provision for an amendment to subsection (1) of section 3 to correct a reference to the Workers' Compensation Act, 1912-1941. When this section was originally enacted it was correct in its reference to section 10 of the Workers' Compensation Act. However, in a subsequent reprint of the Workers' Compensation Act, section 10 became section 13 and this Bill is designed to make the corresponding adjustment.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Rushton.

**STATE SHIPS: DARWIN SERVICE***Delegation to Prime Minister: Motion***MR. BLAIKIE** (Vasse) [9.52 p.m.]: I move—

That in the opinion of this House a delegation of three Members of the Legislative Assembly and comprising representatives of the Government, Liberal Party and Country Party should visit Canberra as a matter of urgency and state a case to the Prime Minister for Commonwealth financial assistance to enable the State Shipping Service to continue to operate to Darwin in view of the importance of the service to the Northern Territory and the importance of the trade to some basic Western Australian industries such as agricultural products, timber and other building materials.

This is an eleventh hour appeal to reprieve the service. I am very appreciative of the fact that the Premier has agreed to request a meeting with the Prime Minister together with Sir David Brand, as Leader of the Liberal Party, and Mr. Crawford Nalder, as Leader of the Country Party. This delegation will appeal to the Prime Minister for assistance to continue the service—a service so vital to the State.

For 50 years there has been a State Shipping Service to Darwin—at this stage almost a weekly service. Western Australian exporters have developed a market worth approximately \$10,000,000 in the Darwin area. The value of this market has been increasing by about 10 per cent. a year, and the export trade of Western Australian goods to Darwin represents approximately 20 per cent. of the total Australian imports. One must give credit to the Western Australian exporters for the inroads they have made into the Darwin market in the face of strong competition from the Eastern States. When we speak of trade missions to various places we should remember we have a market in Darwin to the order of \$10,000,000. This is a real and existing market, and it is entirely dependent upon the State Shipping Service. Western Australia is at present shipping some 30,000 tons to Darwin. By 1975 this is expected to rise to 50,000 tons and in 1985 to 95,000 tons.

Three local exporters have established warehousing facilities in the Darwin area. Their current investment is in excess of \$2,000,000. This investment was necessary for the warehousing of products and includes such items as wire fencing materials, timber products, beer, frozen food, and so on.

I would now like to talk about the timber industry as this vitally affects my electorate. In the year 1965-66, 899,714 super feet of timber was exported to Darwin. This figure rose progressively until in the year 1969-70 timber in excess of 2,000,000 super

feet was exported. This represents an increase of over 100 per cent. during that five-year period. I do not feel I need dwell on the point to emphasise what would happen in the State's major timber-producing areas if we lost this market—a market currently taking around 2,000,000 super feet a year. The industry is already facing a shrinking market and we cannot afford to lose the Darwin trade. It has been estimated that if the market is lost some 60 men will face almost automatic retrenchment, and of course other ramifications will follow—a loss of revenue to the W.A.G.R. and to the Forests Department. Timber plays a vital role in my electorate and involves approximately \$1,750,000 a year in wages.

Turning to the food lines exported to Darwin, frozen foods and refrigerated cargo total some 2,500 tons—a monetary return of more than \$1,000,000. It may interest members to know that we sell beef, veal, mutton, and lamb to Darwin. We are the only Australian State exporting lamb to Darwin. According to the statistical report for 1970-71, Western Australia exported some 250,000 lb. of lamb to the Darwin market. Darwin also purchased large quantities of other meat—pig meat and bacon. Again my electorate would be vitally affected if this market were lost.

It costs an average of 4.38c a pound to land these refrigerated goods in Darwin by ship. The only other alternative method is by road and rail through Alice Springs which would cost in the vicinity of 7.25c a pound. Again this would mean a total loss of the Darwin market.

To summarise these points briefly, we cannot afford to lose a market of some 2,000 super feet of timber. This will aggravate the present precarious timber situation, and we cannot afford that. The most devastating point in regard to this timber market is that if Western Australia loses these 2,000,000 super feet a year, the market will be supplied from South-East Asia. Members should make no mistake about that.

It is vital to Western Australia, and I believe it is vital to Australia as a whole, that we should retain the market for timber, building and agricultural products. No doubt, if the State Shipping Service to Darwin is discontinued, Darwin people will still eat. They will get their produce, but from States other than Western Australia. I do not believe we can afford that. I would point out that as far as the market for foodstuffs is concerned, already the Ord dam construction site market has been lost to Eastern States, suppliers. I understand that foodstuffs from the Eastern States are now being transported by road and rail through Alice Springs to Kununurra and Wyndham. I would state now that if the shipping service to Darwin is curtailed it will be only a matter of time before the Eastern States'

suppliers start moving down the coast and taking over the north-west market which is rightfully ours.

I believe there is no alternative transport system for Western Australian manufacturers servicing the Darwin area. I am most appreciative that the submission has been agreed to and that a deputation will meet the Prime Minister to put forward the proposal for the subsidisation and retention of this service. However, I would add that in the event of the deputation not being successful I believe the State must re-examine the situation. When the alternatives are weighed up, I believe it is the prerogative of the State to provide this service.

**MR. J. T. TONKIN** (Melville—Premier) [10.03 p.m.]: It goes without saying that the Government is not opposed to this motion. In view of the fact that I have already submitted to the Prime Minister a request that he receive a deputation composed of the Leader of the Opposition, the Leader of the Country Party, and myself, there is no necessity to speak at great length on this motion. The reason the State had to indicate that it could no longer carry on the Darwin service unless it received substantial financial assistance from the Commonwealth is that we are currently losing almost \$1,000,000 a year on the Darwin run.

**Mr. Nalder**: Is that completely separate from the other charges?

**Mr. J. T. TONKIN**: We estimate that the total losses of the State Shipping Service approximate \$5,000,000 a year, of which about \$1,000,000 a year can be attributed to the Darwin run. The Commonwealth has argued that it makes ample provision for the losses of the State Shipping Service in its financial assistance grant to the State. We calculate that of the total grant, which diminishes by \$3,000,000 a year, the maximum amount which could be attributed to the Darwin run was \$800,000. It is now less than \$400,000 of the total amount involved in the financial assistance grant, and it will continue to diminish until in 1973-74 it will disappear altogether and we will receive no assistance from the Commonwealth for the service to Darwin.

In view of this we propose, if we get the opportunity, to make the strongest possible additional plea—we have already stated the case for assistance and been refused—for some Commonwealth assistance. To continue the Darwin run adequately would require the provision of an additional vessel and a substantial contribution to running costs to avoid losses. If the Prime Minister agrees to receive the deputation—and I have no intimation from him yet one way or the other—then I think we would put to him the case which is very well known to the Opposition parties and to ourselves as to the advisability, if at all possible, of continuing the service.

If the service is continued we believe it can be developed in the years to come. If it is discontinued the service will go backwards and I suppose the area will be serviced by the Australian National Line which is already losing money and would lose further if it had to undertake the service which is now provided by the State Shipping Service. The position at present is that we are awaiting the opportunity to see whether the Prime Minister is prepared to receive the deputation which I have asked him to receive. Therefore, I repeat there is no need to speak at length on this question. I think all political parties agree on the desirability of presenting the strongest possible case to the Commonwealth. I support the motion.

**SIR DAVID BRAND** (Greenough—Leader of the Opposition) [10.07 p.m.]: I do not intend to delay the House; but as one of those chosen to see the Prime Minister in the event of his agreeing to meet the deputation, I would like to say that I agree with the point made by the Premier that the case for maintaining the shipping service to Darwin is well known to my party, to the Country Party, and certainly to the Government. The reasons are very plain and clear.

It is a fact that the State can no longer afford the luxury of running a service to Darwin; but on the other hand it can ill-afford to lose the trade which has been developed between Fremantle and other ports, and Darwin. I believe we have done our best to cut the costs. We have had several surveys and investigations conducted into the type of ship which should be used, but it all boils down to having sufficient money—particularly loan money—to buy ships of any type at all.

I would emphasise that the slow turnaround of our ships at Darwin has been responsible for the high costs involved in this run. I do not want to introduce a controversial note; but irrespective of the side of the House on which we sit I think it is a hard, cold fact that there has been a great delay in the turnaround of ships at Darwin. Therefore, the cost of the service to Darwin has been very high.

I think, summed up, we realise that once the decision is made to terminate the shipping service to Darwin there will be very little prospect of its ever being commenced again. The Government has made a decision to support the move for a deputation—and to become part of a deputation—to the Prime Minister in a last-minute appeal to him to review the decision he has made. I believe he made that decision on the advice of the Treasury that no further financial assistance or subsidy would be granted to the State Shipping Service.

I think any detail in respect of the case to be presented to the Prime Minister should be left until we speak to him, because it is a clear-cut case. To this State it is very important; far more important than is realised when we further consider the facts before us. I trust the Prime Minister, purely from a national point of view, will see fit to subscribe at least sufficient money to maintain the service a little longer; perhaps long enough to allow trade to develop further and so justify whatever expenditure may be made in the interests of this State and the Commonwealth as a whole.

The service along the coast to Darwin has many important aspects, but none so important as that gradual building up of the trade we have developed in Darwin, at great cost. Because Darwin is a growing port and a growing city there is no doubt that opportunities exist for further trade as long as we can continue to develop it. So I support the motion and I am extremely glad the matter has been raised, even at this late hour.

**MR. NALDER** (Katanning) [10.12 p.m.]: My interest in this matter was brought about by meeting a Darwin personality—a public-spirited person who informed me of the interest that exists in this trade between Western Australia and Darwin. I took an interest in the matter when it was announced by the Government that it was intended to discontinue the service to Darwin. I decided several weeks ago I would seek whatever information I could in respect of the position.

I contacted the Commonwealth Minister for Air who informed me of the conferences that have been held in Western Australia and that the information obtained had been presented to the Commonwealth Government and the Prime Minister. I also got in touch with the Chamber of Manufacturers and from there I went to the Leader of the Opposition and the Premier. Since that time quite a deal of action has taken place on behalf of those who are trading between this part of the State, the north-west and Darwin. I have also written to this public-spirited gentleman from Darwin whom I met and suggested the Darwin traders should take active steps to ensure that their concern over this situation was conveyed to the Prime Minister.

I believe such action has taken place to a greater extent during the past few weeks than it was previously. I have made these comments in support of the motion that has been moved by the member for Vasse, but there is a point which I believe the Premier should look at urgently. As the member for Vasse said, this is an 11th-hour move, but I think the situation has become much more serious than that which requires an 11th-hour move.

I request the Premier and his Government to look immediately at the position to ascertain whether or not it is possible to have the service continue for a short period of time, because if it cannot do so the whole contact with Darwin will be lost. I know of one company already which has been notified within the last few days that it has lost a large order. I contacted another company which advised me that part of an order it had with Darwin has gone.

It will not be easy to recapture this trade once we lose it. We are so close to the 31st December that it does not matter, and on that date the service to Darwin will be discontinued. The Premier should indicate that he will allow the service to continue for at least three months—I would suggest six months—so that everyone concerned with this exercise could ascertain what can be done to retain the service. Mention has been made about what this service means to this part of the State. From the discussions I have had with businessmen in Perth I hazard a guess that the discontinuance of the service will mean loss of employment to a great number of people. To my knowledge, if this trade with Darwin is lost it could easily affect up to 100 people.

I think it is regrettable that, on one hand, we are encouraging people engaged in business in this State to venture out to our near neighbours in the north to establish trade when already we have a trade established in our own country, and in spite of this we are prepared to let it slip through our fingers. I appeal to the Premier and members of his Government to look at the matter urgently and make a statement promptly to the effect that the service will be permitted to continue for a few months more so that an opportunity can be taken to discuss the matter with the Prime Minister, and if all these efforts fail it will be time then to make a final decision to discontinue the service. We are still awaiting a reply from the Prime Minister to have the case reviewed and therefore I ask the Premier seriously to consider continuing the service for at least three months and so give us further time to discuss the matter with the Prime Minister. All the action that has been taken already will have been in vain unless further action is taken immediately along the lines I have suggested. I support the motion.

**MR. W. A. MANNING** (Narrogin) [10.18 p.m.]: It is not of much use passing a motion like this unless we are prepared to do something with it, and time is running out. I assume the motion will be passed unanimously without a dissentient voice. I suggest that the Premier should send the text of this motion to the Prime Minister tomorrow morning to let him

know that we have passed the motion unanimously—that is, assuming that this will be so—and also that each party in this House should contact the Prime Minister advising him of their feelings on the matter.

At this stage the position has become desperate and I suggest that, in addition, the Premier should take action along the lines indicated by the Leader of the Country Party, because if we lose this trade it will be gone forever, and we will have ships travelling along our coast with nothing in them. The matter is so urgent that I cannot over-emphasise the necessity for taking drastic action urgently.

Question put and passed.

*House adjourned at 10.19 p.m.*

## Legislative Council

Thursday, the 2nd December, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

### QUESTIONS ON NOTICE

#### *Postponement*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [11.04 a.m.]: Mr. President, I ask that questions be postponed until such time as I have the answers to today's questions available. At the moment I do not have any.

The PRESIDENT: Very well.

### RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 30th November.

**THE HON. G. C. MacKINNON** (Lower West) [11.06 a.m.]: I find this Bill to be acceptable so far as the Opposition is concerned. Doubtless some people who consider certain aspects of the measure will find that it will create some difficulties and, indeed, some inconvenience could follow. There may be argument that it cuts across personal rights on one's own property.

My view is that water is of such paramount importance in this country that these kinds of objections must be gainsaid for the common good. As a whole, Australia is an extremely dry country and Western Australia, which is one-third of the total area of Australia, is without doubt the driest section of the continent. If Western Australia were in the situation

of Canada which has far and away more water than any other comparable land space on earth we could, perhaps, be a little more wasteful with our water than we are.

It is a never-ending source of wonder to me that despite the fact everyone knows this in modern days I find little evidence to support the statement that Australians are conscious of conserving water. It is surprising how few people put a plug in a basin when they wish to wash their hands. They simply turn the tap on and wash them under a running tap. Of course this takes much more water than is needed.

Perhaps the most extravagant use of water, in comparison with anywhere else on earth, is in connection with the watering of lawns grown on sandy soil in most towns. Our sandy soils do not retain water very well and daily watering of lawns is virtually a necessity. The bulk of lawns are at the front of houses and people rarely sit on them. They seem to be an exercise only, the object being to make one's lawn better looking than the lawn belonging to the fellow next door. As I have said, I find little evidence to indicate that Western Australians are conscious of water conservation.

So far as payment for water is concerned, some people imagine it ought to be free. Of course, nothing in this life is free. Perhaps we should talk about tax subsidies more often than we do and stop using terms such as free medicine, free water, etc.

The Hon. R. H. C. Stubbs: We receive a great deal of free advice at times.

The Hon. A. F. Griffith: The only trouble is you do not always take it.

The Hon. R. H. C. Stubbs: We weigh it up.

The Hon. G. C. MacKINNON: It is a pity the Government does not take advice which is freely given, because it is well meant and well thought out. However, advice falls on deaf ears all too frequently, but I suppose the same could be said the other way round.

The measure under discussion will extend a provision, which originally applied north of the 26th parallel, to the entire State whereby it will be obligatory for people to give advice when they intend to drill holes. It will also tighten up the control of artesian water. This is understandable and has been desirable for a long period of time.

The principal amendment to the Act is contained in proposed new section 19(1), which reads as follows:—

The owner or occupier of land shall, within one month after completing the construction of or the deepening