

# Legislative Assembly

Wednesday, the 20th September, 1967

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

## QUESTIONS (17): ON NOTICE

### ELECTRICITY SUPPLIES

#### *Substation at Innaloo*

1. Mr. GRAHAM asked the Minister for Electricity:

Respecting the substation and switch yard in Scarborough Beach Road, Innaloo:

- (1) What is—
  - (a) the approximate value of the land;
  - (b) the approximate value of buildings;
  - (c) the approximate value of installations and electrical gear;
  - (d) the estimated cost of purchase at the present time of the equipment in (c) above?
- (2) What would be the present cost of installing this equipment?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) (a) Based on sales of adjacent land, the value is approximately \$5,000 per acre.
- (b) \$10,500.
- (c) \$380,000.
- (d) \$350,000.
- (2) \$30,000.

#### *Undergrounding of Mains: Attitude of S.E.C.*

2. Mr. GRAHAM asked the Minister for Electricity:

Adverting to question 15 on the 13th September, 1967, and his reply thereto—

- (1) How does the State Electricity Commission consider undergrounding of electricity mains to be economically unjustified if the developer of a project is prepared to meet the entire extra cost above the installation of overhead mains?
- (2) How is it concluded that the consumer (presumably of electricity) pays for the capital cost of underground wires when such would be a common amenity which with other amenities would upgrade properties?
- (3) How is it concluded that the cost to local authorities would increase for street lighting in the event of underground mains if the cost of the latter were provided by the developer and not the commission or the local authority itself?

- (4) In the final paragraph of his reply, is he suggesting the commission should tell investors how they should expend their capital in developing estates or, if not, what is meant by the words "any available capital can be better utilised in overcoming the shortage of housing and other essential community requirements"?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) and (2) The developer will pass his costs on to the purchaser or consumer. The purchaser—whether he pays a lump sum or pays over a number of years—is virtually paying more for his electricity. If the property is upgraded a subsequent purchaser will pay still more.
- (3) It was stated that "if poles and underground street light mains were charged to street lighting the cost to local authorities would increase." The local authorities would no doubt pass the cost on to the consumer in the form of increased rates. If the street light poles and underground mains were charged to the developer, he would also pass the costs on to the consumer.
- (4) The State Electricity Commission does not attempt to tell investors how they should spend their capital. However, the S.E.C. feels that it should point out the resulting effect on the consumer. The meaning of "any available capital can be better utilised in overcoming the shortage of housing and other essential community requirements" is that developers, for the same investment, would be able to build more houses if they did not spend money on undergrounding.

## PERTH TOWN HALL ACT

### *Vesting of Site*

3. Mr. JAMIESON asked the Minister for Lands:

- (1) In view of the provisions of section 4 of the Perth Town Hall Act, 1950, has the Perth City Council met the requirements of the vesting without providing a town hall on the site vested?
- (2) If no town hall is constructed on this vested site, what action does the Government contemplate to adjust the vesting order to suit the circumstances of the Perth City Council?

Mr. BOVELL replied:

- (1) Section 4 of the Perth Town Hall Act, 1950, conveys power to the City of Perth to erect, maintain,

and improve a town hall on Perth Town Lot 760. Neither the vesting order, nor the Act, specifies any particular period of time in which a town hall must be erected.

- (2) Consideration will depend on the ultimate decision reached with regard to the site for a town hall should it be found Lot 760 is unsuited to this purpose.

#### NORTH WEST CAPE COMMUNICATIONS CENTRE

##### *Datronic Engineers Inc.: Payment of Creditors*

#### 4. Mr. TONKIN asked the Premier:

- (1) Is he aware that little, if any, progress has been made in the matter of securing payment of the debts due to Western Australian creditors of Datronic Engineers for goods and services supplied in connection with the United States Navy's communications installations at North West Cape?
- (2) Did it not occur to him during the ceremonies at Exmouth on Saturday last when eulogistic references were being made by the Prime Minister and others concerning United States Government and Australian Government relationship and the very great value and importance of the communications centre that the brightness of the picture was somewhat dimmed by the fact that the benefits entailed a sacrifice on the part of certain creditors in Western Australia who supplied goods and services in the belief that as they were required for the United States Navy there was no attendant risk?
- (3) If, indeed, the growth of Exmouth is worth so much to the nation, is it asking too much to expect some Government arrangement to relieve Western Australian creditors of the burden they are carrying by becoming creditors in their stead?
- (4) Will he discuss the matter with the Prime Minister with a view to providing early relief for Western Australian creditors concerned?

Mr. BRAND replied:

- (1) The Department of Industrial Development keeps closely in touch with the W.A. Chamber of Manufactures, which body is co-ordinating representations on behalf of certain of the creditors.

The chamber keeps the Department of Industrial Development advised about the representations made at various levels including the representations to the Federal

Government. There is nothing further that can be done at this juncture.

It is understood that the result of the current considerations of the Concrete Industries claims arising from the Hardeman-Monier Hutcherson contract could have some bearing on the fate of the Western Australian creditors of Datronic Engineers.

Some of the Concrete Industries claims have been heard and the remaining claims are expected to be dealt with in the near future. The exact nature of the benefit to the Western Australian creditors of Datronic Engineers of successful conclusion of the Concrete Industries claims is not currently clear to either the State Government or the W.A. Chamber of Manufactures. This is the subject of further study.

- (2) The question of debts due to creditors is essentially a commercial matter and not one that should arise as the result of the official opening ceremony of the project. In any case one cannot accept that the interest of the United States Navy in the project made it responsible to contractors' creditors, who presumably would be dealing with one another in a normal commercial way.
- (3) Such an arrangement would hardly be appropriate. It would create an unmanageable precedent if suppliers could expect the method of settlement in the event of debtors failing to pay when contractors and suppliers agree to do business.
- (4) Answered by (1).

#### WOOL EXPORTERS LTD.

##### *Report and Offer of Receiver*

#### 5. Mr. MITCHELL asked the Premier:

- (1) Can he indicate when the report on the affairs of Wool Exporters Ltd. is expected?
- (2) Is he aware that the receiver appointed in this case has made an offer of 1c in the dollar as final payment to the growers concerned?
- (3) As the inquiry is being conducted at Government level, would not such an offer be considered a breach of law or contempt of the inquiry?

Mr. BRAND replied:

- (1) The inspector anticipates being able to submit his report within two months.

- (2) Mr. Sewell, president of the wool section of the Farmers' Union, advises that, at a committee meeting convened by the Farmers' Union which was attended by the receiver and manager, on invitation by that committee, the receiver and manager suggested that, if the taxation losses of Wool Exporters could be sold, such a sale could result in a dividend of 10c in the dollar to woolgrower creditors.
- (3) No.

#### GOVERNMENT EMPLOYEES

##### *Leave to Attend Meetings of Local Authorities*

#### 6. Mr. TONKIN asked the Premier:

- (1) When Government employees are elected to local governing bodies and are required to attend committee meetings or meetings of councils which are held during working hours, is leave of absence given?
- (2) If "Yes," under what conditions?

Mr. BRAND replied:

- (1) and (2) No general policy has been determined. Departments concerned deal with individual cases when they arise.

#### 7. This question was postponed.

#### SCHOOL BUILDINGS

##### *Adoption of Modular System*

#### 8. Mr. NORTON asked the Minister for Education:

- (1) Has he examined the modular system of construction of school buildings as used in Great Britain?
- (2) If "Yes," has he received advice as to the practicability or otherwise of adopting this method in this State?
- (3) Has he comparative costs per square of building schools under our present method and that used in Great Britain; if so, what are they?

Mr. LEWIS replied:

- (1) Yes.
- (2) and (3) An investigation is currently being carried out into the practicability of adopting this modular system or a modification of it.

#### SCHOOL CLASSROOMS

##### *Specifications and Supervision by Private Architects*

#### 9. Mr. NORTON asked the Minister for Works:

- (1) Is it a fact that where a school requires an extra classroom or

classrooms built his department obtains the services of a private architect to—

- (a) draw the plans and specifications;
- (b) supervise the building?
- (2) What charge is made by private architects for (a) and (b) above, either jointly or individually?

Mr. ROSS HUTCHINSON replied:

- (1) No.
- (2) The fee for a full commission (drawing the plans and specifications and periodical general inspection of the construction) is 7 per cent. of the capital cost. If the commission is for partial service the fee is—
- (a) drawing the plans and specifications: 4½ per cent.;
- (b) periodical general inspection: 2½ per cent.

#### POWER STATIONS

##### *Coal Consumption*

#### 10. Mr. MAY asked the Minister representing the Minister for Mines:

- (1) What was the annual consumption of coal by each of the following power houses:—

Bunbury;  
Collie;  
South Fremantle;  
East Perth;

for each year 1960 to 1966 inclusive?

- (2) What amount was consumed at each of the above power houses to the 31st August, 1967?

Mr. BOVELL replied:

(1)

	East Perth tons	South Fremantle tons	Bun- bury tons	Collie tons
1960	63,459	101,157	257,650	70,436
1961	42,482	11,225	209,565	45,469
1962	54,207	94,741	376,085	38,117
1963	67,675	101,332	399,710	40,039
1964	63,906	127,665	417,190	41,602
1965	64,320	151,937	489,963	42,002
1966	53,102	85,081	417,678	37,276

(2)

To 31/8/67 .... 29,626    49,592    206,764    23,983

#### EXPLOSIVES AND DANGEROUS GOODS ACT

##### *Implementation of Amending Legislation*

#### 11. Mr. GRAHAM asked the Minister representing the Minister for Mines:

- (1) When is it proposed that the Explosives and Dangerous Goods Act amendments made last session will become operative?
- (2) If wholesalers and retailers have been allowed a period in which to dispose of accumulated stocks, what steps have been taken to

ensure that additional supplies have not been, or are not being, obtained?

Mr. BOVELL replied:

- (1) A Bill to clarify the situation regarding the amendments made to the Explosives and Dangerous Goods Act last session is to be introduced at an early date and it is proposed that both the 1966 and 1967 amendments will come into operation at the same time.
- (2) No period has been allowed for wholesalers and retailers to dispose of accumulated stocks, but from publicity given to the matter, since the introduction of The Hon. R. H. C. Stubbs' Bill to amend this Act, the trade should be well aware of the situation.

#### TRANSPORT ADVISORY COUNCIL AND TRANSPORT USERS' BOARD

##### *Meetings and Decisions*

12. Mr. GAYFER asked the Minister for Transport:

- (1) Have the Transport Advisory Council and the Transport Users' Board as constituted by Act of Parliament last year met as yet?
- (2) If so, on how many occasions?
- (3) Have any decisions been arrived at?
- (4) If so, would he be in a position to inform the House of the decisions?
- (5) Has an inspection been made of the transport network of this State—
  - (a) by personal investigation of the members of the boards;
  - (b) by theoretical examination?

Mr. O'CONNOR replied:

- (1) and (2) The Transport Advisory Council has met twice, the third meeting being scheduled for the last half of October. The Transport Users' Board has met once and the second meeting is proposed for the middle of October.
- (3) and (4) No, but a number of major problems are already under study which will result in recommendations to me. Some of these are:—
  - (a) A policy for transport north of the 26th parallel.
  - (b) A revised approach to licensing transport.
  - (c) A revised approach to transport subsidies.
  - (d) The role of the Metropolitan Transport Trust and the Western Australian Government Railways in urban

transport and the use which might be made of the Swan River.

In accordance with the requirements of the Act, the Director-General has made recommendations to me upon a number of Western Australian Government Railways proposals to close or extend railway lines.

- (5) (a) Not yet, but the Director-General has visited Carnarvon, Geraldton, Kalgoorlie, Leonora, Koolyanobbing, and the Kimberley ports. Next week he will be in the north-west and Meekatharra and will, prior to the end of the year, be in Bunbury, Busselton, Albany, and Esperance.
- (b) The basis for theoretical examination is being laid. The Faculty of Economics of the University of Western Australia will be formulating transport costing techniques. Procedures for evaluating capital expenditure proposals by the operating authorities have been established and the Director-General is receiving assistance from the Faculty of Economics at Harvard University and the United States Department of Transportation on simulation devices which can be used to analyse the existing system and test the effect of alternative methods or various distributions of the total task. In addition, a simplified method of examining and comparing the financial trends within the operating authorities has been devised.

#### MURESK AGRICULTURAL COLLEGE

##### *Students: Number and Suspensions*

13. Mr. JAMIESON asked the Minister for Agriculture:

- (1) How many students are in each year at Muresk Agricultural College?
- (2) How many of the students disciplined and suspended last year have returned to course this year?
- (3) Have there been any disciplinary suspensions this year?
- (4) Is the college exhibiting at the Royal Show this year?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) 1st year—35.  
2nd year—36.
- (2) Four.
- (3) No.
- (4) No.

**HOUSING***Pensioners: Accommodation Provided and Outstanding Applications*

14. Mr. DAVIES asked the Minister for Housing:

(1) How many—

(a) single units;

(b) double units;

of accommodation have been built for pensioners in each of the last five years?

(2) How many applications are currently on hand for each type of accommodation?

Mr. O'NEIL replied:

(1) PENSIONER HOUSING COMPLETIONS  
FROM 1/7/62 TO 30/6/67

Year	Single Units Flats	Double Units Cottage Flats	McNess
1962-63	....	26	10
1963-64	72	50	....
1964-65	....	62	....
1965-66	76	58	....
1966-67	....	56	....
Total	148	252	10

(2) Applications currently on hand as at the 31st August, 1967—

Single unit	Aged women	1,231
Cottage flats	Pensioner and Aged couples	220
McNess	....	10

Note: Vacancy rate of single units approximately 30 per annum.

Vacancy rate of double units = 100 per annum.

**LAND TAX***Method of Assessing Land Valuations*

15. Mr. DAVIES asked the Treasurer:

Under what authority and in what manner does the Government arrive at the value of land for the purpose of assessing land tax?

Mr. BRAND replied:

The authority for the valuation of land for the purpose of assessing land tax is provided by section 37 of the Land Tax Assessment Act, 1907-1965.

The value of land is determined by the valuation section of the Taxation Department. Where possible, the value of each lot or area of land is determined on the evidence of sales of comparable vacant land. Locality, size, the type of land and any other significant feature which may influence values are considered in deciding whether sales afford a valid comparison. Where the evidence of sales of vacant land is not adequate, analyses of sales of improved properties are made. If necessary, the rentals of improved properties are also used as a guide to the value of land.

**WOODBIDGE NURSING HOME***Transfer of Patients to Sunset Home*

16. Mr. FLETCHER asked the Minister representing the Minister for Health:

(1) Am I correctly informed—

(a) that since the closing of Woodbridge Nursing Home, 35 female patients are now as a consequence occupying accommodation at Sunset Hospital, until recently providing accommodation exclusively for men;

(b) that the bungalow ward at Sunset after being re-floored 12 months ago and now equipped with about 25 beds is still unoccupied?

(2) If the bungalow ward is unoccupied, why is this so when overcrowding is admitted to exist as a result of geriatric patients in Royal Perth and other Government hospitals?

(3) Has Sunset now fewer patients than four years ago?

(4) If so, why?

Mr. ROSS HUTCHINSON replied:

(1) (a) No. Women were not admitted to Sunset as a result of transfer of patients from Woodbridge. Women patients originally admitted to Sunset came from other hospitals in the metropolitan area.

(b) Yes.

(2) It is regarded as being unsuitable for ward accommodation, but plans are being made for its use as an activities area under the supervision of occupational therapists.

(3) Yes.

(4) To provide better facilities for patients.

**GAS WELLS***Production Tests: Comparison with South Australia*

17. Mr. JAMIESON asked the Minister representing the Minister for Mines:

How do the production tests of proven gas wells in this State compare with those about to be used for industrial purposes in South Australia?

Mr. BOVELL replied:

From the limited published information on the South Australian gas wells, it would appear that the Gidgealpa gas field has proven wells producing 59,500,000 cubic feet per day and the Moomba field 27,500,000 cubic feet per day, which are being developed together.

Each of the five proven wells at Gidgealpa produces an average of 12,000,000 cubic feet per day through a half-inch choke.

In this State, the best gas flows have been found in the Dongara and Gingin areas.

The two Dongara wells, which have been production-tested on a half-inch choke, flowed at an average rate of 8,000,000 cubic feet per day each. The two wells, which have not been tested on that size choke, are estimated to be capable of similar rates.

The Gingin wells were not tested on half-inch chokes but flowed 2,000,000 to 3,000,000 cubic feet a day on one quarter inch chokes with the flow declining and pressures dropping because of limited permeability.

### **COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL**

#### *Introduction and First Reading*

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

### **IRON ORE (HANWRIGHT) AGREEMENT BILL**

#### *Third Reading*

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

### **METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL**

#### *Third Reading*

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Water Supplies) [4.50 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage of the Bill the member for Beelo raised two points with me and asked me to provide some sort of clarification. The first point he raised was in regard to what he felt were, perhaps, disproportionate penalties for offences committed under the Act. As it turns out, an examination of the Act reveals that these penalties are not necessarily disproportionate at all. It may be thought they are disproportionate, but the smaller penalty also carries a continuing penalty and, in actual fact, could prove to be a harsher penalty than the one applying to other offences. I think a close examination of the matter will reveal that there is no discrepancy or disproportionate penalty applying.

The other point raised by the honourable member, and I think by the member for Bayswater, too, was in regard to the future of main drains which had been cancelled or discontinued as such. The situa-

tion is largely what I thought it would be: close liaison is maintained between local authorities and the water board in regard to the cancellation of a main drain; and, in any case, it would not be desirable, where a drain was discontinued, to leave a hole in the ground. In most cases it would be unlikely that a main drain would be filled in, because in all probability it would revert to a local government drain.

Mr. Toms: And the local authority would have to maintain it.

Mr. ROSS HUTCHINSON: Yes.

Mr. Toms: Passing the buck.

Mr. ROSS HUTCHINSON: No.

Mr. Brand: The local authorities are using the drains and they can maintain them more cheaply.

The SPEAKER: Order! The Minister for Water Supplies.

Mr. ROSS HUTCHINSON: I think this situation would be a rare one. It is not impossible but I think it would be so rare that it really would not pose any problems as regards the future appearance of cancelled main drains.

Question put and passed.

Bill read a third time and transmitted to the Council.

### **PHYSIOTHERAPISTS ACT AMENDMENT BILL**

#### *Third Reading*

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

### **CLEAN AIR ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 30th August.

**MR. TOMS** (Bayswater) [4.54 p.m.]: Members who can cast their minds back to 1964, when the principal Act was before the House, may recall that the Minister took some 40 minutes to introduce the measure which, at that time, appeared to many members to provide for a great step forward. It is interesting to note that although a measure of that nature took some 40 minutes to introduce, one of the most important Bills to be introduced to this House—namely, one to alter the structure of the Arbitration Court—took only eight minutes to introduce. This would seem to indicate that a Bill which took 40 minutes to introduce must have a great deal of meat in it. However, although it was introduced in 1964, it was not until the 2nd June of this year that things started to move in regard to the measure and the committees appointed under it got their feet off the ground.

Now, in September of the same year, it has been found necessary to amend the Clean Air Act by adding yet another member to each of the committees which have been established under the legislation.

During the debate in 1964 both hopes and fears were expressed. I think in the main the hopes in regard to the measure were expressed by those members who at various times had been approached by their constituents about industries which were causing concern, and it was hoped that these nuisances could be curbed or minimised.

The member for Northam spoke in 1964, and those members who have taken the opportunity to read that debate will recall he said he feared the only thing which would be achieved by the passing of the measure would be the protection of big industry and big business. I have always held the view that Parliament is passing too much power to the members of boards and authorities. When a Minister deals with the provisions of an Act, he is able to provide the human touch in regard to any action taken; but when boards or other authorities administer an Act, only the hard letter of the law seems to apply. I have had several instances of this where boards acting, as they believed, within the framework of an Act, have caused a good deal of hardship to the people concerned.

I only hope the authority concerned with the administration of the Clean Air Act will forget big business and give its main consideration to the welfare of the individual and do something to assist him when nuisances are being caused either to him or his property.

In replying to the debate in 1964 the Minister concluded by saying he thought the measure could be called a clean air, sweet smell, and no noise Bill—I think that was the phrase he used. However, the member for Balcatta made the point that in his opinion the committees to be established were far too large. He felt so keenly about the matter, as you may recall, Mr. Speaker, that he moved an amendment to reduce the number on one of the committees from 14 to 7. Unfortunately, that amendment was not agreed to. However, as I said at the outset, I believe the two committees are too unwieldy, so much so that they could become obstructive.

As it has taken from 1964 until now to get things moving, it makes one wonder whether there was not some foundation for the fears expressed by the member for Northam. Indeed, one progress association in the electorate I represent wrote an article in the last issue of the local paper expressing concern that the measure, introduced in 1964, but only now starting to take wings, will not achieve what was expected of it. The residents concerned with this progress association live in the area of Ashfield and they are affected by the fumes from the Cresco works. Whether the committee, the membership of which is to be enlarged by the provisions of the measure now before us, will have much effect in this instance, I do not know.

It seems to me that it could be a case of too little too late, because at the present time the works in question are using pyrites to produce their sulphur content, and a very definite nuisance is being caused. It was with alarm that I read that almost double the quantity of pyrites was to be used next year. It makes one wonder whether the nuisance will be increased as a result of this usage, or whether the committee—it is now proposed to increase the number of its members—will be able to act quickly enough to control the nuisance I have mentioned.

I would like to say in passing that since the legislation went through, and applications for licenses to operate under it were called, some 69 applications were made from 48 different firms. I believe the majority of the firms listed could well and truly come under this Act.

There was a very interesting article in the publication *Commerce—Industrial and Mining Review* of February, 1967, entitled, "Dust Collection Equipment for the Cement Industry." If the members of the committee have not already seen this article it would be well worth their while to have a look at it, because there appears to be a possibility that this equipment could also be utilised in the fertiliser industry. It could also quite easily have the effect of breaking down the nuisance in that industry.

As I have already said, I am not happy about boards and authorities being established. However, in the hope that something may come of this particular measure—even though doubts have already been expressed to the contrary—I am prepared to support the proposed increase in the number of members on the committees. I do not think that will make the member for Balcatta very happy, because he was inclined to reduce the number of members on one of the committee by at least half.

**MR. BRADY** (Swan) [5.3 p.m.]: This Bill, of course, proposes to add two extra members—one to the council, and one to the committee. When introducing the Bill, the Minister did not go into a great deal of detail; he merely gave us the bare facts.

As the member for Swan, I am in the position of having a number of firms in my electorate that could come within the ambit of the Act. The firms in question create smoke; they create fumes; they create noise; they create dust, and they create obnoxious effluvia.

**Mr. J. Hegney:** And a nuisance.

**Mr. BRADY:** And, as the member for Belmont has said, they also create a nuisance. This is not a recent development. I recall the views expressed 30 years ago by a man named Victor Riseley—I think he is now deceased—who was editor of a

local newspaper known as the *Swan Express*. This newspaper is published to-day, but the point I wish to make is that the difficulties we are experiencing now were experienced 30 years ago.

The position about which I am concerned is that the area in question is becoming very highly developed. There are now more than four times the number of residences in the vicinity of Bassendean and Bayswater, as compared with 30 years ago when Mr. Riseley wrote his articles in the *Swan Express*.

In recent times a number of people have asked me to procure for them a copy of the Clean Air Act. They are concerned because of the smells and dust which are entering their premises from the works at Bassendean. I will not be so unfair as to pinpoint any particular factory, but there are numbers of such works—such as the iron and steel works, the super works, and other industries—which could be responsible for this nuisance.

I do know, however, that day in and day out one is able to view from the train yellow fumes oozing from the super works at Bassendean and Bayswater. The colour of the fumes seems to vary from day to day, but one invariably sees people in the trains sniffing, and hears them complaining about the effluvia from these works.

I do hope the clean air council and the clean air committee will consider the matter very seriously before they permit these firms to extend their activities. I recently read that one of the firms was likely to spend in the region of \$800,000 on additions. In the same article I read that such firms are now in the position of being able to suppress or control these nuisances, and this is where the Air Pollution Control Council must do its job thoroughly. It should watch the activities of the firms concerned very closely and make them observe the letter of the law. It is only by doing this that we will be able to lessen the difficulties and nuisance which the people in the district are experiencing.

It is not only the people in good health who are being affected by these nuisances of dust and fumes, but the people who are sick are also being affected. Only 18 months ago I visited a sick man in my electorate in connection with the fumes and the dust from the surrounding area. I asked what we could do about it. He said he had mentioned the matter to his doctor who had advised him to contact the member for his district.

I have taken the matter up with the Health Department, and have pointed out that I expect the clean air council to do something to reduce the fumes, the dust, the noise, and the obnoxious effluvia. Not only do these difficulties arise from the established industries in my area; they are also evident from industries at the other end of my electorate.

For example, in the Bushmead area we have the abattoir which apparently has a boiling-down process from time to time. On some occasions it is difficult to get a breath of fresh air on a summer evening, particularly when something goes wrong with the digesters. Recently one of the authorities of the hospital in the district rang me up and said the patients were complaining that they were unable to get a breath of decent fresh air, even on the verandah. In that instance I believe another factory in the Bushmead area was to blame for the obnoxious effluvia that were evident. I heard that the firm in question was bringing down refuse from the abattoirs in the hills and treating it at Bushmead, and this was causing a great deal of difficulty to the residents and inmates of the hospital.

About three years ago one of the members in another place asked me to call on the widow of an Italian resident. He had been working either in the tile factory or the brick factory and had contracted pneumoconiosis as a result of his activities in the industry. While we are on this legislation, I would stress to the Government, and to the Minister controlling the particular department, the necessity for the Air Pollution Control Council to go full steam ahead in its efforts to overcome these difficulties.

Not only does this nuisance apply to the Midland area; it also applies to other parts of the State. When I was in Bunbury I found that the people there were concerned about certain fumes which were being conveyed over the Bunbury township. The clean air council should get on with the job as quickly as possible and, if necessary, the staff of the council should be doubled to enable it to catch up with these difficulties without any undue delay.

As I have already said, these difficulties were featured in the Press of my electorate 30 years ago; and the nuisance has been allowed to grow. I am greatly concerned at the fact that some of the firms are doubling their output, which means, of course, that the difficulty will become aggravated.

In the *Swan Express* newspaper of May, 1967, under the heading, "Fumes from Factories—Bassendean Complains," we find the following:—

At last weeks' meeting of the Bassendean Council, Cr. H. Bowra asked whether any official complaint had been received from a local school about fumes from a factory affecting school children, and Cr. A. C. Faulkner, J.P. said that no such complaint had so far been received.

About that time I received two complaints from residents who asked me for copies of the Act, because they were greatly concerned at the increasing nuisance. Shortly after the article appeared, I wrote to the Air Pollution Control Council and asked

that something be done to overcome the difficulty in question.

As the member for Bayswater said, it is over three years since this council was appointed. It is strange that three years should have elapsed before it was discovered that there should be a representative of the Mines Department on the committee. There is no doubt that quarrying would come under the category of mining. On the outskirts of Midland it is possible to see a quarry belching out its dust day in and day out six days a week. The people in the area are complaining, and the position is getting worse.

We know that concern was recently expressed in *The West Australian* about the hills escarpment being desecrated by quarries. I am not so concerned with the desecration of the escarpment as with the difficulties which the public is experiencing. The public wants something done about the matter immediately, and the sooner the clean air council gets on with the job the better. In supporting the amendment for the appointment of two extra men to the Air Pollution Control Council, and the advisory committee, I am happy in the thought that it could be an indication that the council will be watching the position very closely. We expect it to get on with its activities as soon as possible.

Only yesterday I asked for a copy of the annual report of the council, and I was told that no report was available, because the council had only started operating statutorily from April of this year—three years after the legislation was passed by the House. Members will therefore appreciate why I am concerned. I am greatly concerned for the people whose furniture, window treatments, and floor coverings, are being spoilt by the dust and fumes; I am concerned for the people who cannot get their rest because of the dust, the noise, and the fumes; and I am particularly concerned for the industrial workers in factories who are developing pneumoconiosis because of the dust which emanates from those factories.

Whether it be a Labor Government or a Liberal-Country Party Government that is in office, I hope something will be done to stop these firms expanding in what are shortly going to be densely populated residential areas. We must not allow that sort of thing to happen, even if some of the firms have to be compensated as a result of their being removed from the metropolitan area. Members of the Country Party have expressed the desire for super works to be established in the country areas. I would very much like to see the super works in my electorate have their extensions transferred to the country areas.

I support the amendment in the Bill to appoint two extra members to the bodies set up to administer the Clean Air Act.

One extra member is to be appointed to the Air Pollution Control Council and another is to be appointed to the Scientific Advisory Committee. I do hope we can get some early action from the additional appointment to the Air Pollution Control Council, because it is long overdue.

**MR. GRAHAM** (Balcatta—Deputy Leader of the Opposition) [5.15 p.m.]: First of all I am grateful to the member for Bayswater for reminding the House that three years ago I sought to reduce considerably the number of members appointed to the authorities concerned. Experience has shown that, irrespective of my views, when the Government introduces a Bill to increase the numbers it is a waste of time to endeavour to effect a change. For that reason I will not on this occasion strenuously oppose the proposal in the Bill.

I am of the opinion that there has been a lack of progress, due very largely to these bodies being bogged down by their own weight. Now the proposal is to increase the Air Pollution Control Council from 14 to 15 members, and the Scientific Advisory Committee from seven to eight members. In other words, it requires the representatives of 23 bodies directly associated with clean air to get something done. Yet three years after Parliament made its decision and provided a charter, nothing whatever had been done; and there are portents on almost all points of the compass that the situation is going from bad to worse.

Mr. J. Hegney: The Government does not intend to do anything.

Mr. GRAHAM: I do not know about that. I feel this is a case of too little too late; and there are some overriding considerations. Members are aware that when fuel oil is burnt, certain residual substances or gases are formed, and these are belched up the chimney stack. I venture to suggest that the majority of members of this House will be horrified to learn that each day from Kwinana alone some hundreds of tons of residual gases—that is, solids in one form or another—are belched into the sky, and not very high into the sky. As industrial activities proceed at Kwinana, more and more of these residual gases will, as a result of the prevailing south-westerly winds, be deposited on the city and the principal residential areas.

From the point of view of the well-being of the city and its people, it would be far better if the industrial complex had been established north of the city, instead of south of it on the coast at Kwinana. I am informed that more than 50 per cent. of the pollution which is caused to the metropolitan area in varying degrees emanates from the Kwinana complex. When Broken Hill Proprietary has extended its operations, there will be a

considerable increase of some hundreds of tons, and this will float in the atmosphere. In the course of hours it will be driven towards the city, and on the way it will fall and form deposits.

As though that is not sufficient, the Government has made a decision in respect of a power station in the same locality as a result of which considerable quantities of oil will be burnt as fuel. Further hundreds of tons of deposits will find their way to the more densely populated portions of the metropolitan area through the burning of oil. It is true that by modern processes, sulphur can be removed from oil by washing; and gases can be purified after they have been created—that is, following the burning of the oil fuel. This is a tremendously costly process, as experience in the U.S.A. has shown.

All this could have been avoided had the Government constructed the major power station at Collie, and used our native fuel. Because the Government has been so secretive about this matter, one is unaware of the reasons for, or the full economics of, the Government's decision, and its deal with the oil companies, to use an imported fuel instead of Collie coal. As sure as night follows day, a tragedy, accentuated by a rapidly developing problem, will result from the Government's decision. Eventually the day will arrive when some drastic action will have to be taken, particularly in respect of Kwinana. It will then be a matter of expending many millions of dollars in order to save this city.

I have said on many occasions that there is no greater bore or know-all than the person who has made his first visit overseas. In many instances such a person becomes an expert on almost everything! I hope I am not in that category in saying that I have seen cities in Europe where never on any day—I have been assured of this, and certainly the position was no different when I was there—notwithstanding the weather might be similar to what we are experiencing now, is there a clear blue sky. There is always dust, haze, fog, or smog of one sort or another which has been created by industrial processes, because of a lack of planning and prevention.

In this State we are fortunate to have a good climate and to have industrial development at a comparatively young stage, but I am afraid we are not learning from the experience of other cities. Many industrial cities have buildings which appear jet black in colour because of the constant depositing of fine dust; and in the course of time it turns to grime. During damp weather this dust settles on the buildings, and instead of being cream, white, or stone coloured, they become almost jet black. I do not think I am drawing a long bow when I say that

will be the fate of Perth if we allow the industrial complex at Kwinana to continue to proceed as it is proceeding, without taking proper and appropriate steps to prevent there being vast deposits of thousands of tons per day in the course of a few years.

Mr. Ross Hutchinson: That is the purpose of the Act.

Mr. GRAHAM: Obviously the Minister has not followed what I have said. The appointment of additional members to these unwieldy bodies—and this the Government is doing—will achieve nothing whatsoever.

Mr. Ross Hutchinson: Of course.

Mr. GRAHAM: It is easy for one to say, "Of course," but that proves nothing.

Mr. Ross Hutchinson: Please go ahead. I seem to be interrupting you.

Mr. GRAHAM: If there is any merit in what the Minister says, then by adding 200 or 300 people to the various bodies, the job will be completely done! The fact is that after adding person after person to the committees nothing has been achieved. If we allow the problem to go on as it is, by exempting under special legislation numbers of industries from the provisions of the Act and by agreeing to the Government's decision to place a very large new power station in the same locality, where it will cause pollution to the metropolitan area, then we will not make any progress whatever in the prevention of air pollution.

When the original Bill was before us, I indicated there was an excess of words which tended to create the illusion that something grand and significant was to be done. I think the Bill was, very largely, a matter of words, and that far too many people have been appointed to do the job. History has proved me to be correct. Notwithstanding the passage of the legislation, I venture to suggest that we are moving in the opposite direction to clean air; in other words, we are further from attaining the objective now than when the legislation was originally submitted.

Mr. Ross Hutchinson: That is not so.

Mr. GRAHAM: The Minister can have his say shortly. I should not have to repeat a repeat for it to sink into the mind of the Minister.

Mr. Ross Hutchinson: You do not have to do that.

Mr. GRAHAM: I have indicated the position in relation to some of the larger industrial establishments which, as the Minister knows, or should know, have been exempted from the operations of the Act. Further, he is aware of the expansion of some of the existing industries. The Government of which he is a member has decided to place the power house I have referred to in the worst possible locality so far as the Perth metropolitan area is con-

cerned. In order that the power station can do its job—forgetting the question of the fuel used—the Government and the State Electricity Commission will be involved in terrific expenditure to treat the oil before it is burnt, or to purify the resultant gases, if the Perth metropolitan area is not to suffer from what I fear it will. That is my summary of clean air.

Before I turn to the proposal to increase the personnel of the committees, I should point out that all that can be done by a great number of the industries which have already been established is to raise the height of the chimney stacks. That achieves nothing; all that it succeeds in doing is to ensure that the solids belched into the sky will travel a little further, and instead of the deposits landing at, say, Spearwood, they will land in the City of Perth. The effect of higher chimney stacks is a greater dispersment of the solids, and that is all. Yet we find that the main attention being given to the problem at the present time is the raising of chimney stacks.

The Government is making a mistake in seeking to change the nominees who are to comprise the Air Pollution Control Council. To be perfectly frank I do not know who should be disqualified. At present the Minister for Mines can nominate any officer whom he considers to be appropriate to take a seat on the control council. If we agree to the amendment submitted by the Government, then the State Mining Engineer will automatically sit on the council. That is a new position which the Bill seeks to create.

Instead of an officer of the Mines Department being appointed—and he should be an analyst capable of submitting remedies and systems to deal with pollutants—it is proposed that a person nominated by the Minister for Mines shall be appointed. In other words, the Minister is to be given a blank cheque. I understand it is the intention of the Government that he should appoint a representative of the Chamber of Mines, of the mining companies, of the quarrying concerns, or of some body of that nature.

In other words, this will be a retrograde step, because one of the very few persons experienced in the analysis of air pollutants and with some knowledge and experience of their control will disappear from the scene completely. This is not to be considered as criticism of the State Mining Engineer, but in the Government Chemical Laboratories we have a number of professional officers who are skilled and trained and who, I should say, should automatically find a place on this council. I understand that one such professional officer is at present a member of the council, but when this Bill becomes law—as no doubt it will, the Government having the numbers—that person will be excluded, and the State Mining Engineer,

who has not the training or the experience in this particular field, will be the representative of the Mines Department.

So it will be seen that an increase will be made in the numbers, but a decrease in the efficiency, of the Air Pollution Control Council. I would suggest to the Minister that before the Bill passes to the stage of no return, he might well have a discussion with his colleague, the Minister for Mines, to see if it would be possible for some action to be taken in order to secure that position. I would suggest of all the persons—

Mr. Ross Hutchinson: The Minister for Mines wants it this way.

Mr. GRAHAM: But I am wondering if he is fully aware of what is being done. I make the statement that in my opinion of all the 14 who comprise the council at present, an analytical chemist who has been engaged in this sort of activity in the chemical laboratories would be the best equipped; but it is proposed he should disappear from the scene.

Mr. Elliott: Why do you think he would have any knowledge of dust control?

Mr. GRAHAM: Because it is part of his job. When specimens or samples are sent to him or he makes tests himself, then he is given the job to see what he can do in the matter of effecting a cure. That actually has taken place in respect of dust counts and some of these odours about which the member for Swan spoke. He is the person who gets down to the detailed analysis of what is going on; and, having found out, he tries to find the answer to it. He is the person who must ascertain whether the pollutant can be dissolved by some chemical, gas, water treatment, or something of that nature, or whether it requires some mechanical contrivance. In certain of these aspects it is true that engineers could play a part; but this person is a specialist, and I feel the Government quite unwittingly is weakening the structure of this organisation, which is already very weak on account of the very many people who comprise it.

I close on the note on which I opened. Notwithstanding my objection to the vast hordes of people and the representatives who comprise this body, it is useless staging any strong opposition to it, because the Government is assured of its numbers. It seems to me a most extraordinary thing that the Government of the State in its many facets can be conducted satisfactorily—reasonably satisfactorily, anyhow; and I think after March or April of next year, even more satisfactorily—with a dozen Cabinet Ministers; and yet in the matter of controlling one matter—that is, ensuring as far as possible pure air in industrial localities—it requires a total of 16 and up to 23 people as an executive.

Frankly, I think the position is ludicrous, and I would request the Minister to pay some heed to the two points I have endeavoured to make—firstly, that action is being taken and is going on daily running counter to the proposed intention of this legislation; and, secondly, that the Government is making a grave mistake in altering the composition of the council by more or less ensuring the person who, from my point of view, can make the best contribution to any of the discussions, shall no longer be a member of it, but shall be replaced by someone else.

**MR. DAVIES** (Victoria Park) [5.35 p.m.]: Like the previous speakers, I have no objections to the amendments in this Bill, but would like to express surprise that the composition of the council is being amended as the measure proposes. The Minister said, in his very short second reading speech, that quarrying and stone crushing came under the Act; nevertheless it hardly seems reasonable to me to alter the Act in the manner intended. However, this aspect has been dealt with fairly extensively by the member for Balcatta and I do not propose to deal with it at length, but will wait until the Minister replies and, if necessary, argue it further in Committee.

My main reason for speaking to the Bill now is to express my disappointment that the legislation before this Parliament in 1964 was not effectively operative until the 2nd June last. This was a statement made by the Minister for Health in another place and reported in *The West Australian* on the 31st August. That means it is almost three years since the Bill was before the House. We were told the main reason for the delay in implementing the legislation was the difficulty that was being encountered in framing suitable by-laws.

These by-laws were eventually brought into being and published in the *Government Gazette*, No. 32 of April, 1967; and, for the life of me, I cannot see how they constituted any great difficulty. There are only eight pages of them and half of those are taken up with the forms which will be used. Many of the regulations are interpretations lifted from the Act, and considerable numbers of them deal with the license fees. The only difficulty I can appreciate is related to by-law 16 which deals with the prescribed basic factors and sets out what the annual work capacity of particular scheduled premises must be to require a license.

However, the fact is that these matters have now been dealt with by effluxion of time. But even though we have known the form of the regulations, and even though the Government has had some permanent employees doing this type of work since, I believe before the legislation was even forecast, there has been nothing effectively done, that I can see,

to control the amount of soot, smoke, and dirt that is being belched forth from various chimneys into the air.

I am fortunate because from my office window I have a fairly wide view of the metropolitan area; and there are three or four offending chimneys I have noticed and which I would be only too pleased to point out to a member of the Public Health Department, should he care to visit me at any time. These three or four chimneys seem to cause the most nuisance in the metropolitan area. One is from the brewery right below Parliament House, and on occasions it belches forth what certainly could be considered to be dark smoke, in every facet of the interpretation.

**Mr. Hall:** What about the smell?

**Mr. DAVIES:** It depends on the individual whether or not the smell is appreciated. My main concern in expressing regret at the apparent ineffectiveness of the staff and the legislation is in regard to the plywood factory in Sunbury Road, Victoria Park. When the Bill was before the House initially, the member for Beeloo gave a fairly long discourse on this aspect. I was unfortunately absent from the Chamber on that occasion, but he very effectively covered the position, as did my colleague, the member for Belmont, who pointed out some of the difficulties which had been experienced as a result of that plant. However, his main concern was in connection with the Swan Portland Cement works at Rivervale; but that is another story.

The matter about which I wish to complain today is the nuisance which has continued since then from the plywood factory. If this occurred only on isolated occasions, we could be prepared to let it pass; but it does not occur only on isolated occasions. Countless times I have been rung up at all hours of the day and night and asked to come and sniff for myself the vile odour which has been coming from this place. I understand it is associated with the storage of logs.

I have been further invited to have a look at the dust blowing from the factory across the railway line onto houses and the premises of one business—a garage at the corner of Rutland Avenue and Roberts Road. I have been pleased to go along and investigate these complaints and on every occasion I have found them to be most justified. I have swept up the dust myself and been handed envelopes of dust which have been swept up from inside houses which have had the windows and doors closed.

The people who complained were told there was nothing which could be done under the Factories and Shops Act or under any other legislation, but that when the clean air legislation came into operation they would have nothing further to worry about. The legislation has not been effective, and they have made complaints

to the Public Health Department and interviewed officers from that department and have taken deputations to the Perth City Council; but no action has been taken to minimise the nuisance in any way.

I must be fair to the owners of the factory, because they have taken steps on occasions to try to improve the position, but these have proved completely ineffective. The respite has been temporary and only for a very short time. The householders concerned find the value of their properties has dropped considerably, and no-one is very interested in them; but it is impossible to take any action.

The last complaint was made to me on the 24th August. The jar I have in my hand contains sawdust I swept up with my fingers within a yard around me as I stood on the roadway. It was a wet morning and this sawdust was floating around in pools of water and on the road, and it was very easy to pick it up and put it in this jar; and this is not an isolated case and does not exaggerate the position by any means.

Imagine the position of the garage proprietor. He has a motorcar engine taken apart for repairs and finds himself constantly confronted with the difficulties associated with sawdust blowing from the factory area—which is 100 yards away, incidentally—onto his work. The poor fellow is practically demented at times and has every reason to be, particularly when no-one is very interested in doing anything for him.

At one time some apparatus which was supposed to collect dust was placed on his garage roof, but he did not hear anything further as to what effect it had or what findings were made, or anything about the dust which was gathered. This to me is just another indication of how completely ineffective the processes are which the clean air legislation sets out; because the council and the committee are groping in the dark and just do not know where to start.

To be fair to the residents and to the business people in the area, they have been very patient and have taken all reasonable steps in an effort to overcome their difficulties. They have been to the management and, as I said before, to the Perth City Council, to the Public Health Department, and to myself. However, the position has not improved one iota and it looks as though it will continue until kingdom come. This is not good enough. Although the legislation has only been fully operative since the 2nd June, according to the Minister for Health, staff have been working on this type of thing for a number of years, yet nothing of any great consequence has transpired.

The member for Swan asked for a report of the Clean Air Council, but he was told there was no report available because

the council had only been operative since April. If I remember correctly, the Transport Advisory Council had only been operative a week when Parliament sat, but it was still able to supply a copy of the work that had been done in that week. I think the inability of the clean air council to supply a report is an indication of the ineffectiveness of the committee. One of the reasons for the ineffectiveness is that it is administratively too heavy. Not only a council but a committee has to be contended with. There are 14 members on one and seven on the other. One is advising the other. Of course, their functions are supposed to interlock, but from a further reading of the Act it appears to me that whilst it is possible for complaints to be passed from one group to the other group, nothing will ever be accomplished. It is probably an ideal Government set-up, and I should think it would be a perfect example of some of the situations quoted in Parkinson's law. This is just not good enough. When we remember that a council, a committee, and full-time officers are trying to do something about air pollution, we expect some action.

As I have said, I can stand in the driveway of a garage which is 100 yards from a factory and within a radius of a yard, scoop up sawdust such as I have here. The people have every reason to complain and to be greatly disappointed with the Government because of the ineffectiveness of the Clean Air Act.

I am sure that my colleague, the member for Beeloo, will be able to support me in everything I have said; because he, too, has also been a patient attendee at ratepayers' meetings where a considerable number of complaints have been made. This has been a constant complaint at the Carlisle ratepayers' meetings, where the question is asked: What can be done about the factory? At the present time there is an air of hopelessness around the ratepayers of the area.

We want some assurance that this nuisance will not be allowed to continue. It is a treble nuisance of smell, dust, and noise from the machinery. How permission was given for the factory to be built there in the first place is beyond my comprehension. It has a non-conforming right as far as town planning is concerned, but I think some strings must have been pulled for the factory to be built in the area. It is almost completely a residential zone, and it is a great disappointment that this has been allowed to happen.

I would like to see the council, the committee, or one of the bodies set up under the Act interest itself in some of the other matters which have been noticeable in regard to public nuisances arising from factories. Mr. Speaker, I am sure you will recall that the firm of Thomas and Company in Cottesloe—and possibly this is also well known to the Minister for Works—was causing quite a nuisance with its

fish meal or meat meal processes. The company was fined on a number of occasions. The company apologised, but said it had to continue in business; and, if I can remember correctly, it was reported in the Press as saying it would seek new premises. It did seek new premises, but it only removed the nuisance from Cottesloe to Welshpool. Apparently nobody can do very much about it, because the company has been given permission to operate in the area.

I do not know who gave the permission, but it seems to be a rather poor way of attacking what is obviously a public nuisance; that is, merely to shift it from one suburb to another.

Mr. Ross Hutchinson: It was shifted to a correct zone. I think the honourable member is aware of this fact.

Mr. DAVIES: No doubt it has been shifted to an area which is zoned for factories. However, there should be special zoning for factories which are associated with offensive processes. The further they are situated from the metropolitan area the better. In the instance I have mentioned, smell is the main nuisance, but in other cases different factors have to be considered. I remember a factory that was producing various herbicides and the fumes which escaped from the factory were affecting plants which were growing round about.

I visited the Department of Agriculture recently and an officer pointed out to me that the department is unable to keep its spraying equipment at South Perth because of the research work which is taking place. The fumes can escape from the equipment after the use of certain herbicide sprays, and these fumes can affect the plants on which the department is conducting research. I consider this is only one indication that it is a very big problem and one which should receive the attention of the clean air council.

My main complaint in regard to the ineffectiveness of the legislation is the raw deal which is being received by people in close proximity to Westralian Plywoods in Sunbury Road, Victoria Park. I can tell which way the wind is blowing by the people who ring me up. If there is an easterly wind, the people on the west side of the factory ring me up, and *vice versa*. In addition, I was taken to task by some of my own colleagues on a recent occasion when they drove through Victoria Park and wanted to know what the offensive odour was. They were at least half a mile from the factory. It is a fairly common complaint and points to the genuineness of the problem, the tolerance that has been shown by the people in the area, and the ineffectiveness of the laws.

I sincerely hope this problem will receive very prompt attention and that at least the members for Belmont and Beeloo, and myself, will be afforded some respite from complaints, because the problem has

certainly been as big a one to us as it has been to the nearby residents.

The Bill is not one which I intend to oppose, although when the Minister replies I shall look forward with interest to an explanation in connection with the manner in which the amending Bill has been brought forward. I would appreciate his comments on the fact that the State Mining Engineer is to be given a place on the council. Later on, the Bill provides that whereas a representative of the Mines Department was to be a member of the council, a representative nominated by the Minister for Mines shall be a member of the council.

Of course, whilst such a person would be expected to have some knowledge of mining, this qualification is not specifically written into the legislation. It also means that it need not be a person associated with the Mines Department. The wording is phrased in terms of nominees, but the person nominated need not be from that department, if I understand the Bill. This means it could be someone who is associated with any one of the big mining companies up north; that is, with Hammersley, Mt. Tom Price, or any other company. It could be a representative from, say, the company at Port Hedland whose work is causing such distress in connection with dust. This may be a ready-made provision for a person from that company to be appointed.

I appreciate that stone crushing and quarrying have been made one of the scheduled premises under the legislation, now that it is in full working order; but, for the life of me, I cannot appreciate why the amendment is being effected in this manner.

MR. JAMIESON (Beeloo) [5.55 p.m.]: I cannot see how the appointment of extra personnel both onto the board and onto the advisory committee will do anything except add to the number of people who are already procrastinating in connection with this legislation. The member for Victoria Park clearly indicated the great problem that has beset the people in the Carlisle area. I have mentioned this a dozen and one times in the House and I have done everything in my power to have some relief afforded to them. Despite my efforts, as the member for Victoria Park indicated, every time I attend a Carlisle ward ratepayers' meeting I am beset by ratepayers who seem to think I am the person who is procrastinating. Of course this is not the position.

I am able to point out to the ratepayers that the offence, in this instance, comes from the Victoria Park electorate. Actually it affects the electorate of Belmont, as well as the electorate of Victoria Park and my own electorate of Beeloo. The member for Belmont has been beset by the effects of the factories in the Victoria Park

electorate for a long time in that he has to put up with the prevailing wind bringing the nuisance of cement dust into his area. It affects the people who live in some of the nicest spots along the river. Many of these people have built elaborate homes, but they have to put up with the associated consequences of the dust nuisance.

This is not good enough. If members are to be appointed to the board, next year the Government could bring down another Bill and someone else could be named as a person who should be on the board. Let us get something done so that people will be able to see that we are genuine about the legislation which is on the Statute book, and not merely concerned with those persons who should have a right to take part in the discussions and the determinations of the board. We should definitely take some specific action.

What the member for Victoria Park said in connection with factories could be repeated many times by people who, of course, would add their own variations. It would appear as though the aggravation of the nuisance has increased since the manufacture of particle boards has taken place in the area. In looking at the sample which was shown by the member for Victoria Park, it would appear to be almost identical with the dust of particle boards. Anyone who looks at it would identify it as such. If that is escaping into air—and it is essentially a housing area in that particular section of the metropolitan area—it could probably be causing untold damage to many people, particularly asthmatic sufferers and others who cannot be associated with too much dust nuisance of an aggravating type. There is a real necessity for some action to be taken. I am fortunate in that I can pass off any blame or responsibility because the factory which has been mentioned is not in my electorate.

However, this is not the case with the local city council, because Carlisle ward is bounded by Shepperton Road. The people on the city council face the fact that it is within their complete jurisdiction; and, indeed, one councillor has endeavoured to do his utmost to bring about some abatement of the nuisance. He has even been threatened with legal proceedings if he enters on the property of the firm concerned, because he told the management he did not consider it was a fair deal. Undoubtedly, the people were on his back as they have been on mine.

Many of the women have become somewhat demented and have reached the stage where they cannot talk rationally on this subject, because their homes and lives are so greatly affected by this nuisance. Members might think that what I have said is an exaggeration of the situation, but they need only go to the

people in Rutland Avenue between Archer Street and Roberts Road and make some inquiries and they will soon find out the extent of the problem caused by the factory.

Action must be taken, and it must be taken soon. If it is thought that the appointment of another person to the board will achieve the necessary results, then I am right behind the move. However, I do not know that it will achieve what is required. I am inclined to think a state could be reached when inactivity will kill the activity which the people require. If the Minister could give this legislation impetus, drive, and some action to get it going, that would be a start. Reports should be available and there should be somebody who could take action directly against offending firms.

The member for Victoria Park referred to the bone mill being shifted to the Welshpool area. At one time Welshpool was renowned for the smell that emanated from the bone works which were situated in the vicinity of the Welshpool Station. The World War was the cause of that factory changing its situation, because at the time it was situated in the area where the major industrial centre at Welshpool is now established. The people who live in the Welshpool district are not now, of course, subjected to the smell that used to come from the bone works.

The residents who used to suffer because of the smell from the bone works were very quick on the uptake when the suggestion was made that the bone works should become part and parcel of an establishment at Welshpool for the purpose of making bone meal. However, as far as I understand the situation, the local authority indicated it was not prepared to issue a permit for such an establishment regardless of whether it was situated in the Welshpool industrial area or not, because it was considered to be a nuisance to the people living in the vicinity. I do not blame the local authority because it would certainly prove to be a nuisance, being within a short distance of a regional hospital. Goodness knows what would have happened if the patients had had to endure the smell that would have emanated from the factory, to say nothing of the people generally who had been obliged to put up with the nuisance in the past.

The Cottesloe district is a very pleasant one, and I am sure the member for Cottesloe would agree with me on that. However, it has been suggested that if, in that district, a factory were established from which, say, dust and smell emanated, this could cause untold harm and suffering to the people living in the vicinity. The factory at West Carlisle that handles aloes wood causes a great deal of smell in the surrounding area. I mentioned in the House

last year that one evening whilst I was travelling home I noticed the smell was quite prominent right along Albany Highway from a point near the Broken Hill Hotel to the west end of Victoria Park. The smell was quite strong, and there was no doubt from where it came. It was quite warm on this particular evening and the conditions were perfect for spreading the smell throughout the Victoria Park area.

We also have to keep a strict watch on smog which could develop and cause considerable trouble around the city. I do not know whether, from reports that have been made in the past, statistics have been kept in regard to the number of foggy days that have been experienced in Perth, but in my considered opinion the number of days on which smog occurs in Perth is increasing. One has only to travel from the eastern suburbs to the city early on a fairly still winter's morning to witness the smog that has been created by smoke emanating from the various factories. The smoke seems to conglomerate and form smog over the city, covering a fairly large area. This indicates to me that unless we take the necessary steps to combat smoke from factories we could be faced with a serious smog problem in the near future.

Fortunately we are in a better position than some of the cities in the Eastern States in that we have the reputation, perhaps, of being the windiest city in the Commonwealth. As is well known, wind is the best means of dispersing concentrations of smoke or fog and so, because of our climatic conditions, we have a very effective remedy at hand to assist us in combating the problem. In the first place, of course, it is a man-made problem and the longer we take to find a solution to it the harder it will be to correct. For far too long the people in the Carlisle district have put up with conditions to which they should not be subjected.

The first step we should take is to get this Act working and not to appoint more personnel to the committee. We can do that as we go along and make the necessary amendments as they are required, and in accordance with what develops from the implementation of the Act. At the moment our main consideration is to get the legislation working. We want to know the person whom we can approach and say that such and such a factory is creating a nuisance and ask him to take steps to rectify it. Only then will we achieve our objective in trying to combat foul air around our city. We should act in accordance with the spirit of the legislation rather than give lip service to it. Therefore I support the proposal to increase the personnel of the committee with misgivings. However, we must give the legislation a chance to operate, and try to induce the Minister to take some immediate action by saying to him, "For

goodness' sake appoint the extra member to the committee and so get all members working in an effort to combat this nuisance."

**MR. J. HEGNEY** (Belmont) [6.7 p.m.]: I feel obliged to say a few words on the Bill because during my period in this Parliament, and almost from the time I first entered it, I have been confronted with the problem which is the subject matter of this Bill. I am amazed that such a long time has elapsed since the Act was introduced three years ago until it was decided this clean air committee should commence to operate. On several occasions I have asked when the Act was to be proclaimed and when some action was to be taken, but I have been unable to obtain any information. The member for Swan said tonight that he had sought a report of this committee, but was told there was no report available for members.

I know the factory to which the member for Victoria Park has referred, because although it is situated in the Victoria Park electorate, the fumes and the smell from it are carried to Lathlain Park, which lies within my electorate. It is more than 20 years since I led a deputation to wait on the late Sir Ross McLarty, who was Premier at the time, to request him to take steps to combat a nuisance that was caused by the factory in Victoria Park. One of my electors asked me if he could see the Premier, and he got up a petition among the residents of the district, following which I accompanied him and other members of the deputation to wait on the Premier in order to discuss the nuisance of a plywood factory in Victoria Park. There is no question that it does constitute a nuisance, because the people who live nearby complain bitterly about the smell coming from it.

Although the factory, as I have said, is situated in Victoria Park, many of my electors complain to me about it. The same applies to the nuisance caused by cement dust from the Rivervale cement factory. The fumes and the smell from that factory spread over Rivervale and Belmont, and not only that, but when the wind changes people living in the South Perth district complain about it. The member for Beeloo has said that on a wet, wintry morning, when the atmosphere is full of moisture, the cement dust does not rise very much, yet it is wafted across Rivervale and over to South Perth. I have received many complaints from motorists that the dust has lodged on their motorcars. I have received such complaints even as late as 10 o'clock in the evening. Women have telephoned me to say that when the factory raises its shutters their houses are flooded with cement dust.

In my opinion the only solution to the difficulty is for the Government and the company to come to some agreement with a view to removing the factory from its present site to some other location. The Government should make a move in that direction by requesting that the company should not make any further capital expenditure on the factory. This cement factory is right on the eastern doorstep of the city and is not very conducive to town planning and development.

Dust and fumes constitute a very serious problem in the United Kingdom and the United States of America, where experts are trying to solve it. All members are aware of the number of deaths that are caused by smog, especially on the eastern coast of the United States of America. Despite what the member for Beeloo has said about our strong prevailing winds, it must be realised that the wind can change and the smoke and dust emanating from factories can be blown backwards and forwards between the hills and the coast. This represents a serious problem.

Whilst we have enjoyed fairly good conditions in the City of Perth up until now, the time is not far distant, with the rapid development of industry, when the smoke and dust problem will be accentuated. It is imperative, therefore, that the Clean Air Act should be implemented as soon as possible. I appeal to the Minister to give some impetus to the committee and ask it to follow up each problem in an endeavour to eradicate it.

Local authorities represent another feature of the problem. For many years, I represented a large electorate which included the districts of Bayswater and Belmont. I found that a local authority often promotes the establishment of industry on its boundary, but on the opposite side of the road, which constitutes the boundary, the neighbouring local authority controls a residential area. As a result, when an industry is established within the boundary of one local authority the smoke and dust emanating from it spread over the houses which are situated in the neighbouring local authority.

People have complained bitterly about the nuisance. On many occasions women have invited me into their homes to show me the dust that has settled on their furniture. They have informed me that shortly after cleaning the house in the morning, it has been covered with dust. I hope the Minister after hearing what has been said during this debate will try to give the Act some impetus and make its provisions worth while for the benefit of the people of Western Australia.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [6.14 p.m.]: I thank all members who have contributed to the

debate. Without exception, all those who have spoken have indicated that they intend to support the Bill. Nevertheless, several speakers have been critical, to a varying degree, of the effectiveness of the legislation to date.

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

**Mr. ROSS HUTCHINSON:** The member for Bayswater, in company with other members, did not suggest that he would oppose the Bill; he was gently critical of the fact that there was a tendency for Governments to introduce legislation by which certain responsibilities were passed over to statutory boards and authorities. He thought that this was not a good tendency. As a generalisation, I do not agree with this contention. I believe that at times it is of great value to have statutory bodies discharging their duties and responsibilities under the terms of appropriate legislation, without Parliament's having to be engaged in the matter beyond the normal powers of Parliament.

Too frequently, people at the present time call Parliament "big brother" and seem to feel it plays too great a role in many affairs. There must always be a balance of responsibility in these matters. In any case, I think it is appropriate, indeed, that the Clean Air Bill, which became the Act, should have been set up as it was some time ago.

The parent legislation was not designed to assist big industries. Far from it. It is a piece of legislation designed, as far as possible and within the limits of legislation, to obviate pollution of the atmosphere caused by industry and by other means.

**Mr. Bickerton:** Will it interfere with pipe smoking?

**Mr. ROSS HUTCHINSON:** I understand that Act, or some other Act, could be used to prevent pipe smoking in the Chamber. The member for Swan also spoke to the Bill; and in regard to what he said, in general, I would like to say that the principal purpose of the Act is to reduce or minimise pollution of the air by industry; and as time goes on to reduce, as far as possible, the pollution arising from the exhausts of motor vehicles. It is not possible to eliminate the pollution of the atmosphere by industry or by other avenues. We must be sensible about this.

The Deputy Leader of the Opposition was critical, all over again, of the size of the council and the Scientific Advisory Committee set up under the parent legislation to deal with problems relating to the pollution of the atmosphere. I have heard many people speak in terms similar to those in which the Deputy Leader of the Opposition spoke. I do not think any of us likes a very large statutory authority, but it was felt in regard to this important

new piece of legislation there should be a widely representative council set up to represent as many segments of community life as possible, without going too far.

The Scientific Advisory Committee was set up as a body, not to determine the generalisations, the general application, or the implementation of the Act, but to advise on matters relating to science and industry. The members of this committee are those who have the professional qualifications. In this group we find the analysts, the chemists, and so on. For the information of members, it is my intention, later on, to read out the composition of the Scientific Advisory Committee.

I thought the Deputy Leader of the Opposition was too critical when he said that virtually nothing was being done in order to counter pollution of the atmosphere. I do not think it is fair to say that.

Mr. Tonkin: The way to refute it is to tell us what is being done.

Mr. ROSS HUTCHINSON: I shall try to do so as briefly as I can. The Scientific Advisory Committee and the council itself, as the governing body, have liaised with industry on many occasions and have been the cause of industry working together and spending a great deal of money on equipment intended to combat pollution. In addition, regulations have been drawn up that have been in operation for some time in order that the building of new factories might conform to the specifications of the regulations so as to try to minimise, as far as possible, pollution of the atmosphere. This was going on before the inception of the legislation.

At this time I think it is appropriate for me to point out that members are naive if they expect any clean air legislation to be 100 per cent. successful. If 60 per cent. success can be achieved the legislation will be doing a remarkably good job. The aim is to get as near as possible to 100 per cent., but perfection, of course, is a long way off.

When I introduced the parent Act into this Chamber I foresaw that criticism of this kind would arise, or, at least, that expressions would be made on the lines that this legislation had no success—that some members would say no improvements had been effected, and so on. So the final paragraph of my introductory speech was as follows:—

I would like to point out that it would be foolish for the public to think that the introduction of clean air legislation, with the regulations which will follow, will completely eliminate all air pollution problems. The legislation before the House virtually recognises—as does legislation in other parts of the world—that a natural concomitant of industry is a degree of air pollution. The general purpose of the legislation, and the aims of the air pollution control council and the

scientific advisory committee, which are to be set up under the Bill, will be to endeavour to bring air pollution down to reasonable standards. I commend this Bill to the House.

I make that point because I think members can be unfair when they expect too much in such a short period of time. The introduction of this legislation was very timely. It could have been introduced before, but a great deal of research was carried out prior to its introduction. The parent Act did not come into being before its time, but it has a great deal of value in it—a value that has already become apparent and will become more apparent as time goes on.

This city of ours as I have mentioned several times before in this House, and on many occasions outside, will grow into a great one and be a city with a great deal of balance in it. Part of the balance must be a large degree of industry. This is not only for the purpose of furthering the State's economy, but of providing diversified and widespread opportunities for employment. In the growth of a city, there must be industry; and, over the years, the Town Planning Department has endeavoured to set aside sites for industrial purposes—for noxious industrial purposes, and the like. We are following these lines; we are advancing them; and we are improving them.

Mr. Graham: Don't you agree that the major industrial area is in the wrong position in respect of the city?

Mr. ROSS HUTCHINSON: Again, I think there is a lot to be said for what the honourable member has just stated. I presume the honourable member is thinking of the Kwinana complex.

Mr. Jamieson: You can smell it here.

Mr. ROSS HUTCHINSON: In trying to site an industrial area, a Government has to make decisions; and this should ring a bell with the honourable member. The person who is sitting in the chair of decision does not look at one facet of the argument, he must look at all facets.

Mr. Graham: It is so long since I have been in that position, I have almost forgotten.

Mr. ROSS HUTCHINSON: Hope springs eternal!

Mr. Brand: No-one said—referring to Kwinana—that this would be our industrial area without having regard to the starting point, which was the refinery.

Mr. ROSS HUTCHINSON: All factors must be taken into consideration; and the decision to site an industrial area may be bad in one sense, but quite good in a number of others. Those who make the decisions have to size up all things; and the honourable member knows that it is not possible to please everybody. The implementation of the Act will do as much as possible to minimise air pollution.

I want to mention the Scientific Advisory Committee, because the Deputy Leader of the Opposition spoke about its having an analyst instead of a mining engineer as a member, and so on. I have already pointed out in the preliminaries of my speech that the Scientific Advisory Committee was set up for the purpose of just advising—on the professional side of industry—in regard to the application of science to industry. Up to now this committee has performed a useful purpose and, as time goes on, it will be even more useful. It comprises a chairman and six other members. That number will be amended to seven other members. These members shall be appointed to the council and shall consist of—

- (a) a person who is a legally qualified medical practitioner employed in the Public Health Department, who shall be Chairman of the Committee;
- (b) a person who is a fuel technologist;
- (c) a person who is an engineer employed in the department known as the Public Works Department nominated in writing by the Chief Engineer in that department;
- (d) a person who is a qualified meteorologist;
- (e) a person who is a chemist employed on the staff of the University of Western Australia nominated in writing by the Senate constituted pursuant to the University of Western Australia Act, 1911;
- (f) two persons nominated in writing by the body known as The Western Australian Chamber of Manufacturers (Incorporated) to represent the interests of industry generally.

The eighth member will be nominated by the Minister. So it is from that group we get the professional and scientific interest which is of value when reaching determinations and making recommendations to the council.

Mr. Graham: You are still getting rid of the technical and professional man and making no provision for him.

Mr. ROSS HUTCHINSON: But the technical and professional types are still there and their advice may be sought.

Mr. Graham: Not in the category of which I spoke, which I think is important.

Mr. ROSS HUTCHINSON: I think that short of the honourable member's moving for the inclusion of another member, we should be content with what is proposed.

I think the member for Victoria Park, too, was a little unfair in following somewhat the same line as the Deputy Leader of the Opposition when he said that nothing was getting done. I had pre-

viously said that the work of the council and the committee had been going on but perfection had not been reached. I sympathise with the honourable member in the problems which he faces in his electorate by virtue of the effects of industry on the people. I have had somewhat the same problems, although I admit to a lesser extent. However, industry is part and parcel of the make-up of our city and I know we must try to minimise the bad effects. However, we must understand the necessity for their being with us.

I intended, at this juncture, to read the final paragraph of the remarks I made in 1964 to answer some of the comments made by the member for Beeloo and the member for Victoria Park. However, there is now no need to repeat those remarks. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 8 amended—

Mr. DAVIES: I regret that I arrived back late and was unable to hear the Minister's reply. I was delayed in my electorate. This does not seem to me to be the correct place in the Bill to appoint the additional person—the State Mining Engineer.

The first part of the clause states that a person shall be the chairman, and I believe that is all the clause should deal with. However, another member is to be added who will be the State Mining Engineer. This makes the appointment one for a particular person. The Minister might say that particular persons are also named further down in the clause; and of course, it is proposed to amend subsection (4) of section 8 to include a representative from the Mines Department.

I would be glad if the Minister could tell us why, in a clause dealing with the chairman of the committee we are also dealing with the appointment of the State Mining Engineer, and later we alter the appointment of an officer of the Mines Department to the appointment of a person nominated by the Minister for Mines. Can the Minister tell us how the newly appointed representative of the Mines Department will be selected?

Mr. ROSS HUTCHINSON: I think the first amendment relating to the State Mining Engineer might be wrongly placed, but I do not think it makes any difference to the principle behind the appointment. After consulta-

tion with the Minister for Mines and the Minister for Health it was determined that it would be of advantage to the operations of the council if the State Mining Engineer was appointed to the council. This was because of his particular experience in mining matters over a number of years.

The other amendment mentioned by the honourable member does just what he said. The amendment changes paragraph (f) of section 8 so that instead of an officer of the department known as the Mines Department being appointed, it shall be a person nominated by the Minister for Mines. This was done because the State Mining Engineer will already have been appointed. So this particular appointment becomes just a person, and because of the upsurge in mining operations it was decided he would still represent the Mines Department. I think this House might well go along with that amendment.

Mr. DAVIES: The Minister has been unable to tell us—and understandably so—what type of person is likely to be appointed. To my mind an extra person being added to the council does nothing for it. The person appointed under paragraph (f) by the Mines Department could easily have been the State Mining Engineer.

If there is a particular problem to be solved—as there is in Port Hedland—the person so appointed could be a representative of the company concerned and he could influence the council. However, I will not oppose the amendment, although I do think the position could have been left as it was.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### **BILLS (4): RETURNED**

1. Albany Harbour Board Act Amendment Bill.
2. Bunbury Harbour Board Act Amendment Bill.
3. Indecent Publications Act Amendment Bill.
4. Police Act Amendment Bill.

Bills returned from the Council without amendment.

#### **BILLS (2): RECEIPT AND FIRST READING**

1. Marketable Securities Transfer Act Amendment Bill.
2. Dog Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Brand (Premier), read a first time.

#### **JUSTICES ACT AMENDMENT BILL**

##### *Second Reading*

MR. COURT (Nedlands—Minister for Industrial Development) [8.2 p.m.]: I move—

That the Bill be now read a second time.

Mr. Speaker, members may recall the Justices Act having been amended in 1965 to permit summonses for offences against the Traffic Act, and any other Acts later to be prescribed in this regard, to be served by prepaid registered post. The amended procedure has been in operation now for about 15 months with the Commissioner of Police reporting on particularly gratifying results having been achieved through the new system of delivery of summonses by registered post. Many man-hours of police officers' time have been saved.

There have been some instances, however, of summonses having been returned unclaimed subsequent to charges to which they relate having been dealt with in the absence of the person to whom the summons was posted. I mention that it had been visualised, when the relative amendment was introduced in 1965, that under section 136A of the Justices Act, a defendant who had not received the summons posted by registered mail, would be enabled to apply to have the decision given in default of his appearance set aside and take steps for the case to be reheard. Under the section which I have mentioned, however, application must be made within 21 days of the court's decision.

In practice it has been found that in most cases the defendant has not been aware of his conviction until after the passing of the 21 days and, as a consequence, he is, in legal terminology, "out of time." In order that the original intention borne in mind when the 1965 amendment was being introduced be put into effect, an appropriate provision is now being introduced in clause 2 of this Bill.

The effect of this provision will be that, where a summons is posted but does not, in fact, come to the notice of the defendant prior to his being convicted, he may, within 14 days after his becoming aware of his conviction, or within such extension of the period as may be allowed by the justices, give notice that he requires a rehearing of the complaint. Upon this action being taken by the defendant, a day and time will be fixed and the justices will either confirm or set aside the conviction. Where the conviction is set aside, the justices will then rehear the complaint.

The next clause of the Bill has been inserted to enable forms to be prescribed. By way of explanation, I would mention that courts of petty sessions have experienced difficulty in the matter of forms necessary for procedures under new pro-

visions that have been added to the Act from time to time.

The section of the Act relating to forms is section 96, but it provides no power to prescribe forms. Consequently, officers have been obliged to improvise forms as required, but these have not, unfortunately, been drawn up on a uniform basis. The proposed amendment will enable this to be done.

The next amendment commended to members will, if passed, permit magistrates, in the case of joint offenders, to impose such penalties on joint offenders as should, in total, be not less than the minimum penalty prescribed. It has been the practice for some magistrates, where a minimum penalty has not been prescribed, to impose a single penalty on joint defendants so that as soon as the one penalty is paid, all such defendants are discharged from further liability.

On the other hand, magistrates have no option, when an Act prescribes a minimum penalty, but to impose at least the minimum penalty on each defendant such as in joint ownership of land. A practice of magistrates in the case of a first offence, for which a minimum penalty is provided, is often to impose that minimum penalty.

Thus, where an offence relates to ownership of property and the minimum penalty is, say, \$10, and the same offence is committed simultaneously in respect of adjoining properties and there are six joint owners of the adjoining property, the first-mentioned owner is fined \$10 and the other owners are fined a total of \$60. This is but a simple example, whereas some Acts provide for very substantial minimum penalties; for instance, a minimum penalty of \$4,000 under the Fisheries Act.

The problem facing magistrates, which I have outlined, became apparent when there was a considerable volume of bushfires prosecutions against owners of land. The proposed amendment which is contained in clause 4 of the Bill, while still providing for separate convictions in the case of joint offenders, will permit the magistrate to impose such penalties on joint defendants as should in total be not less than the minimum penalty prescribed in law.

It might be well asked by members what the position is in such cases regarding costs allowed against the defendants. The simple explanation is that under section 151 of the Justices Act magistrates are given a discretion to order such costs as to them appear just and reasonable. There is, therefore, no need to amend the Act to provide that costs in joint prosecutions may be apportioned between joint defendants.

I am informed that in most cases, if not all, it has been a practice for magistrates to decide what reasonable costs would have been allowed should there have been a single defendant and then apportion

the costs between the joint offenders as near as possible in equal amounts. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Evans.

## PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 24th August.

**MR. FLETCHER (Fremantle) [8.8 p.m.] :** This Bill has been moved up and down the notice paper like a Yo-yo. However, it is not contentious and it is not a very large Bill, as it contains only five clauses. The Bill relating to the prevention of pollution of waters by oil amends legislation of more recent standing than that of the Shipping and Pilotage Bill which is presently on the notice paper. This latter legislation dates back to colonial days, but the measure which is now before the House amends legislation which was introduced as recently as 1960. This had its genesis as a result of an international agreement which recommended the need for this type of legislation.

In his second reading speech, the Minister for Works gave the historical background and there is no need for me to recapitulate. However, the Commonwealth Government and the State Government have legislation to cope with the prevention of the pollution of our harbours and their surrounds as a result of the spillage of oil. This Bill seeks to assist in the implementation of that legislation in an endeavour to keep our ports and harbours in a clean condition.

The recent contamination of the coastline of Great Britain and adjacent European ports has clearly demonstrated the immensity and the importance of the problem and the extensive damage that can be caused by oil contaminating the coastline. I refer to the *Torre Canyon* incident which was responsible for spilling thousands of tons of oil into the sea, and this oil eventually drifting to Great Britain's southern coastline and to nearby European ports. The oil caused damage to beach resorts and to property, and it also caused the death of wild life. At the time the newspapers were full of the incident.

We have had less serious experiences of this problem along our coastline. I asked a question in relation to them about a month ago and I will refer to it later. As the provisions of the Bill could affect the members of both the Merchant Service Guild and the Institute of Power Engineers, I made copies of the measure available to them and asked for their comments on it. I believe this is the democratic way to deal with legislation, because, after all is said and done, the

professions of the members of those two associations could be directly affected by the measure.

Although paid officials of those organisations are fairly readily available, the rank-and-file members are scattered all over the world as a result of following their profession, and therefore a true consensus of opinion is difficult to obtain. However, the consensus of opinion, no matter how limited it may be, of the members that were available is that the amendments are not unreasonable when considered in conjunction with the legislation introduced in 1960. The clause which provides for the keeping of records is not unusual. I know from my experience while serving in the Navy during the war that I was required, whilst working in the engine room, to keep various records; and those associated with the day-to-day running of the ship accepted this procedure. They agreed that the records were most necessary.

I am sure, therefore, that the provision which requires that records of the loading and unloading of oil and its handling generally—including its disposal—will be accepted as being necessary in the same way as the keeping of other records aboard ship is accepted. The Bill provides that an entry relating to any act that is required by regulation shall be recorded after the occurrence of the act when it occurs within the jurisdiction of the State. The only exception that can be made in regard to the spillage of oil is when the safety of the ship is in jeopardy. The measure also provides for a penalty of \$2,000 for any offence that is committed against the provisions of this legislation. I would suggest that this penalty is not excessive in view of the fact that the amount prescribed would soon be absorbed by the expenses incurred in the cleaning up of any oil spillage.

I notice the Bill seeks to remove the onus placed on the shore installation or on vehicles transporting oil and to place it on those in charge of the ship if any neglect has been shown at that end of the pipeline. I think the Australian Institute of Power Engineers will accept the fact that if one of their members or a man acting in accordance with the instructions issued by one of their members leaves a valve open on board ship when, in fact, he should have closed it, it would not be fair and reasonable to place the blame on the man who is on shore for any subsequent leakage of oil.

The ship's master or owner is liable, and it is upon him that the penalty is imposed. In effect, the ship's master can be held responsible for any mistake made by an engineer or a man working in the engine room under the engineer's control. This may seem strange; nevertheless the engineer is in charge of the engine room and the master of the ship generally leaves

the engineer in full control of it. The master, of course, cannot personally supervise all the activities on board his ship; nevertheless he can be liable to a penalty of \$2,000 should any spillage of oil take place.

In clause 4 the proposed new subsection 2 (a) seems desirable in that it seeks to restrict or prohibit the carrying of water in any tank that has contained oil. This provision is most essential, because later it could be necessary to pump out into the harbour or into the sea any residue from these tanks. In fact, I cannot see the necessity for pumping water into oil tanks, because doubled-bottomed and regular ballast tanks are provided in a ship to ensure its stability at sea.

There is a need for this legislation, as my question, to which I referred earlier, will illustrate. On the 29th August last I asked the Minister for Works the following question:—

(1) What was the number of shipping oil spillage incidents in—

(a) The Fremantle Port Authority area;

(b) each of the Geraldton, Bunbury, and Albany Harbour areas;

during the years ended the 30th June, 1961, 1962, 1963, 1964, 1965, 1966, and 1967?

Without going into any further detail, the figures supplied by the Minister are interesting. They are as follows:—

Year Ended the 30th June	Fremantle Port Authority Area
1961	37
1962	35
1963	30
1964	21
1965	19
1966	16
1967	13

From the Minister's reply it can be seen that there has been a diminution of oil spillage. In 1961 the number of shipping oil spillage instances was 37, but in 1967 it had been reduced to 13. By using a little mental arithmetic it can be seen that there has been a decrease of about 200 per cent. in oil spillage over that period.

Mr. Ross Hutchinson: Which is very satisfactory.

Mr. FLETCHER: Yes; it is very satisfactory. I hope the Minister and I will get along as well when a subsequent Bill comes before the House. In the Geraldton Harbour there was only one oil spillage incident in 1963 and in 1965, and in the Bunbury Harbour there were only some minor spillages which were quickly cleared. The details of those were not recorded. Further, on no occasion did oil drift ashore in the Geraldton Port area, and in Bunbury such an incident occurred only once.

In the Albany Port area small quantities of oil have been noted on the shoreline, but these have not been of a serious nature.

Mr. Hall: They have not been very large spillages.

Mr. FLETCHER: I will let the member for Albany speak for himself later.

Over the years there have been 171 incidents in Fremantle which have resulted in 33 prosecutions. If it is at all possible we do not want there to be any prosecutions, simply because we do not want any oil spillage. I think this legislation will encourage greater vigilance generally.

I would like to digress for a moment and say that I notice the Bill does not make any reference, for example, to off-shore drilling rigs. I particularly have in mind the case of Barrow Island. We were all there a short time ago when we viewed the activities taking place in that area. Because of the tides and the winds it is inevitable that any oil spillage at Barrow Island would drift ashore. This may be provided for in subsequent legislation, but some provision should have been made in this measure to avoid the contingency I have mentioned. It is possible, if any oil did drift ashore from Barrow Island, that ships in the vicinity could receive the blame for such spillage, even though the oil did not come from their holds or bunkers. Does the Minister take my point?

Mr. Ross Hutchinson: I am listening; and that is why we want the ships to log the occasions on which they discharge any oil.

Mr. FLETCHER: That could possibly take care of the position; although I think it would have been just as easy to provide for it in the Bill. I do not intend to try to amend legislation for the Minister, though it is possible that might be done subsequently.

As I have said, however, I visited the Institute of Marine and Power Engineers and also the Merchant Service Guild and asked for their comments after distributing copies of the measure. It may disappoint some members that I have nothing to fight about in this Bill and, as a consequence, I can only assume the measure will have a smooth passage through the Committee stage; unless, of course, the members for Albany, Bunbury, or Geraldton have something to say to the contrary.

MR. HALL (Albany) [8.24 p.m.]: The measure before the House is a commendable attempt to amend the Prevention of Pollution of Waters by Oil Act. I am only interested in clause 3 of the Bill which deals with the discharge of oil or mixtures containing oil during transfer operations. The member for Fremantle has covered most of the points admirably, though I must dispute the figures given him in answer to his questions.

The Port of Albany has suffered a great deal from oil pollution as a result of pipe leakage due to the companies having oil for bunkering supplied to their storage depots. This has been in evidence for some time and nobody seems prepared to accept the responsibility for what is a continual occurrence. Neither the harbour board nor the oil companies seem prepared to accept this responsibility.

The member for Fremantle made reference to the destruction of marine life overseas. This has actually occurred in the Albany Harbour and has had a deleterious effect on the fishing industry. I have conferred with the fishermen in the area and their finding is that there has been damage to the marine life. But, as I have said, neither the harbour board nor the oil companies are prepared to accept responsibility for these occurrences. Because of the possibility of increased bunkering in the outer ports of Albany, Bunbury, Geraldton, and Esperance, oil pollution will continue to increase and, of course, this will generate a greater risk of fire damage to shipping.

The cost of shipping is so great today that every precaution should be taken in this direction. The Government should be commended for its efforts to tighten up security to the point where the risk is minimised. In spite of the continual discharge of oil, the companies do not appear to accept the responsibility to ensure the security of their pipelines and thus prevent the possibility of a fire hazard in the harbours. There is no reason why the oil industry—even though its operations are of such tremendous magnitude—should ignore its responsibilities, and should continue to damage smaller industries such as the fishing industry, and cause harm to marine life.

The member for Fremantle also mentioned the very interesting point of the pollution of the beaches. About 18 months ago we had complete pollution by oil at Middleton Beach. Nobody appeared to be able to trace just where the oil came from. After conferring with the harbour master, we discovered that a ship had passed Albany at that time, but there was no proof that a discharge of oil had taken place. It could have been possible, as the ship might have discharged water after carrying oil as a ballast cargo. I imagine the clause has been introduced to provide for anyone discharging water from a ship which might have been carrying oil and which, as a result, could cause oil pollution of the beaches, thus preventing the enjoyment of those beaches by the people who visit them, particularly in the ports of Bunbury, Albany, Geraldton, Esperance, and Fremantle.

I think the Bill is commendable, though I do not know whether it goes far enough. It is however, a step in the right direction and I support it. I think the responsi-

bility to prevent pollution should rest with the various firms which are inclined to ignore this responsibility because of the magnitude of their operations. The Bill will seek to prevent a repetition of the damage that occurred to fish life in the foreign countries referred to by the member for Fremantle. I am glad the Government has seen fit to move in this direction, and I only hope the Act will be administered with the necessary severity. When an accident occurs through the negligence of the companies, the maximum penalty should be imposed. Whether the existing penalty is high enough I do not know.

**MR. SEWELL** (Geraldton) [8.31 p.m.]: I join with the member for Albany in supporting the comments of the member for Fremantle who gave his support to the measure. Almost every week we read Press reports of instances in Western Australia and in other parts of the world where harbours have been polluted by the discharge of oil. Generally this has occurred when the bunkers of ships have been cleared, or when through negligence the oil has leaked as pipes were coupled and valves were turned on and off. These remarks cover the points raised by the two previous speakers.

In my opinion clause 3 contains the most important provision in the Bill, and it was referred to by the member for Fremantle. One provision in this clause states that where a discharge of oil, or a mixture containing oil, into any waters within the jurisdiction occurs by reason of a wrongful or negligent act or omission in a transfer operation, if that act or omission occurs in certain places, then the person responsible commits an offence. A penalty of \$2,000 is provided. I consider this penalty to be too low, because to shipping companies the amount does not represent very much. It seems the Minister has been lenient in fixing the penalty at that figure. With that exception, I support the Bill.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [8.32 p.m.]: I thank the members who have given their support to this Bill. There was general unanimity of opinion in the views they expressed. Although the member for Fremantle seems to feel somewhat ashamed in that he could not find anything wrong with the Bill, I can assure him that many pieces of legislation have passed through this House without amendment and with the general accord of members from the Government and the Opposition sides.

The member for Albany seemed to think that the provisions of the Act—I am not referring to the amendments in the Bill—do not apply to the Port of Albany. I assure him that they do apply, and have applied, to that port just as they do to the other ports.

**Mr. Hall:** They have not been enforced.

**Mr. ROSS HUTCHINSON:** The honourable member made the House think that the Port of Albany and Middleton Beach were on occasions covered by oil, and said that this would have a bad effect on the tourist industry. If these comments of the honourable member became known to the public, and if the Press featured them, I am sure many tourists would be frightened away from Albany. One should be careful in phrasing an incident to illustrate the amount of oil pollution which has occurred. If the incident is not phrased in the right perspective it could cause harmful effect to the tourist industry. Perhaps, however, he did not phrase the position as badly as I have stated. I also would like to thank the member for Geraldton for his support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### SHIPPING AND PILOTAGE BILL

*Second Reading*

Debate resumed from the 24th August.

**MR. FLETCHER** (Fremantle) [8.37 p.m.]: When this Bill is passed, the Shipping and Pilotage Act of 1967 will supersede ancient Acts and Ordinances dating back to 1832. These catered for our first settlers. Some of the volumes I have before me demonstrate their age. One was passed in 1832, another in 1882, another in 1883, and another in 1890. Only brief references are contained in these ancient volumes. It is not necessary for me to deal with any portion of them, because they have already been covered by the Minister.

The penalty of a fine equivalent to \$20 mentioned in these ancient Ordinances was at the time the maximum for the contravention of a regulation. Today a penalty of \$20 would not reimburse the Fremantle Port Authority for the expenses involved in prosecuting someone for a contravention of a regulation. Such contravention could, for example, be the spilling of oil into the harbour, and if the oil is ignited then hundreds of thousands of dollars worth of damage could be caused. It will therefore be seen that the penalty is out of all proportion to the potential damage which could be caused.

These old Ordinances must be superseded and new Statutes must take their place on the shelves of Parliament. I could find a place in a maritime museum for the old volumes, because one is in the process of establishment in Fremantle. The Mayor of Fremantle and the progressive councillors are co-operating with the Government in refurbishing an ancient historical building to convert part of it into a maritime museum.

As I have said, these old Ordinances would be very appropriately housed in such a place. However, reverting to fuel spillage, which was covered by the previous Bill, I would say the penalty of \$200, or imprisonment for three months, provided in this measure does not seem excessive. The cleaning up of a bad oil spillage in the Fremantle Harbour could cost many thousands of pounds for equipment and detergents, which, I understand, are now used. In addition many man hours would be involved in such a spillage. I do not think a penalty of \$200 is likely to cause any argument from this side of the House.

The provision of a penalty of \$200 for damage to buoys, beacons, or lights—all port equipment—is, to my mind, not excessive when related to the safety of ships, ships' companies, and their passengers. The Minister would be aware of what would happen to aircraft if air beacons were damaged; and a similar situation exists in regard to ships and ships' complements.

Wilful damage could be done to equipment ashore; and, since we have an irresponsible section of our community which causes wilful damage ashore per medium of the motorcar, it is reasonable to assume that these car-borne irresponsibles could take to the sea in any of the small pleasure craft that are in and out of Fremantle Harbour during any holiday weekend. This applies not only to Fremantle, but to any other harbour or port on our coast. If this section of people displayed the same irresponsible enthusiasm when in a boat, they could damage a floating beacon, a light, or associated equipment. Therefore, I suggest that penalties are necessary to act as a deterrent to such a contravention of the law.

Since 30 of the 36 sections in the Ordinances needed revision, it would appear that this measure is long overdue for repeal and re-enactment. The new legislation is very necessary. I notice it will repeal the Ports and Harbours Act, 1917; and its provisions will now include those previously mentioned in the ancient Ordinances.

Among other things, I notice that the Bill provides for pilotage charges and the payment of conservancy dues, and also for the appointment of harbour masters and pilots, a matter on which I shall, perhaps, argue later in the light of the Minister's possible attitude to an amendment in my name on the notice paper. The Bill further elaborates on the duties of harbour masters and pilots relative to berthing, mooring, and movement of vessels, and persons within harbours.

The measure also gives authority for the removal of wreckage. In fact, the Bill appears to give authority for the removal of any obstacle or impediment to the movement of ships, not only in the harbour itself, but also in the approaches

thereto. There is provision for the costs associated with the removal of wreckage or any impediment to be charged against a person in the case of non-compliance with a request to remove such wreckage or obstacle.

I notice that the member for Darling Range is not in his seat. He should be here in relation to this provision in the Bill, because he has a small craft of his own; and the Bill could affect such craft. It could result in the forcible removal of such a craft. The member for Darling Range could leave his craft in the harbour while in the city buying bait, perhaps in a can or some other container, and this measure contains provision for the removal of such a craft.

Mr. Hall: You are not referring to arts and crafts?

Mr. FLETCHER: Even though a small craft may be moored within the harbour limits on a temporary basis, this Bill gives authority to harbour masters to shift all craft if they can be considered an obstacle or an impediment in accordance with the provisions of the Bill.

The measure also provides for the sale of wreckage to defray costs associated with its removal. It is interesting to note that under the measure the scuttling of a vessel is possible if that vessel is a hazard to shipping. The honourable member I mentioned previously might be interested in the prospects of his boat being scuttled. However, that is just an aside.

Provision is made in regard to many issues that are not generally known to the fishing boat community. Therefore, I hope its members will take an interest in the measure and that the newspapers will give it publicity, because this would be of considerable help to boatowners. The provision which deals with the removal of craft has its equivalent ashore in that local authorities and the police can remove old cars from streets and verges. I suggest the same should apply on a marine basis.

Clause 10 provides that every port or harbour previously considered as such can hereafter be a port or harbour. However, the Governor may declare other places to be ports and harbours. This is something on which we touched recently in regard to regulation 102. The Governor may make regulations relevant to the loading and unloading of flammable liquids, signals associated with ports, and provide penalties which are in addition to the penalties I have already mentioned.

I mention again that the Bill has been circulated among members of the Merchant Service Guild and also members of the Institute of Marine and Power Engineers so that they may scrutinise the measure. A preponderance of the membership is at sea, as I mentioned earlier when speaking to a previous Bill. However, the guild secretary has informed me that the consensus of opinion of the

limited number of members available is that the measure is acceptable with the exception of clause 4, to which a desirable amendment appears on the notice paper.

I would suggest to the Minister that just as I would expect owners of ships to desire consultation in respect of legislative policy affecting ships, so I think, or rather hope, that the Minister will concede that the organisations I have mentioned, which represent the men who sail those ships, should also be consulted in matters affecting their membership. I have done that and, as I said earlier, the Bill, with the exception of clause 4, to which I propose to move an amendment, is acceptable to those people. I await the Minister's reaction to the amendment and until such time as the Bill reaches the Committee stage, I will support it with the reservation in regard to clause 4.

**MR. HALL** (Albany) [8.51 p.m.]: I am most perturbed about clause 3 of the Bill, and particularly in regard to the interpretation of "harbour master," which reads as follows:—

"harbour master" includes a person for the time being carrying out the duties of the harbour master appointed for any port, during any absence, illness or incapacity of that harbour master;

The danger I see in the clause concerns the qualification of the person appointed. We all know the dangers associated with a person who is unable to handle a ship properly. Clause 4 reads—

4. The Governor may appoint—

- (a) any person to be the harbour master of any port;
- (b) any person to be a pilot at any port.

That clause could refer to a major port or minor port. There is no port like Albany, I agree. It is the only port in Western Australia; we would not have to argue about that one. The danger of clause 4 is that an incompetent person could be appointed. In my opinion no one should be appointed unless he has the qualifications. This is also the opinion of the Commonwealth Government, because in the Navigation Act, 1912-1950, the following interpretation of "pilot" appears in section 6:—

"Pilot" means any person appointed or licensed as such under this Act, and not belonging to a ship, who has the conduct thereof:

To be licensed a person must be qualified. He must have some marine or shipping experience, or whatever the term might be, over many years. Should the Governor appoint anyone who has not been licensed after an examination? Even an apprentice in any trade or calling is not considered to be qualified enough to commence practice until he is licensed.

This is the danger I see in the legislation, and I think the member for Fremantle visualises the same danger. This is borne out by the fact that he has an amendment on this subject in his name on the notice paper. Section 330 of the Commonwealth Act reads as follows:—

(1) The Governor-General may proclaim the ports at which the employment of a pilot shall be compulsory.

(2) At any such port the pilotage shall be performed by a pilot in the Public Service of the Commonwealth:

Provided that where, in the opinion of the Minister, the pilotage work at any such port is insufficient to reasonably occupy the time of one pilot, pilotage shall be performed by a competent person appointed by the Governor-General, under exemption from the provisions of the *Commonwealth Public Service Act 1902-1918*, to execute the duties of pilot.

Subsection (2) of section 332 reads—

A licensed pilot shall not (except as authorized by his licence) act as a pilot for any port at which pilotage is compulsory.

Penalty: One hundred pounds.

To me that provision proves conclusively that the Commonwealth Government realises the absolute necessity to have a qualified person appointed to carry out the duties of a pilot.

The member for Fremantle made reference to pilots of aircraft, but I do not desire to take members on a Cook's tour. The point I am trying to stress is that under this Bill the Governor is to have the power to appoint a person—whether qualified or not—to act as a harbour master or a pilot; but the Commonwealth Government believes the situation is so serious that only a licensed pilot must be appointed.

A shortage of licensed pilots and harbour masters exists today, and particularly at the ports being opened up in the north-west. I think we will probably be placed in the situation where we will have to find from outside this State the qualified men with the navigational experience.

I can only reiterate that we must not appoint unqualified and unlicensed men to take over the responsibility of the large ships which use our ports. The Minister for the North-West knows only too well the difficulties associated with the shortage of harbour masters and pilots. They must be transferred from one port to another. Nevertheless we must not appoint unqualified men.

Apart from these points I think the Bill is commendable. However the weakness is there. Unless those appointed have the license or qualifications as stated in the Commonwealth legislation this State will

be exposing itself to grave danger by placing valuable ships in the hands of unqualified or unlicensed pilots.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [8.59 p.m.]: I would say at the outset that I think the old Ordinances to which the member for Fremantle referred could indeed be well situated or housed in a maritime museum at Fremantle, when one is set up.

At present I am afraid I cannot go along with the fears expressed by the member for Fremantle, and particularly by the member for Albany. I am certainly not convinced that the amendment forecast by the member for Fremantle is one that I can accept; indeed, far from it.

I will be interested to hear what the member for Fremantle has to say during the Committee stage. It does not appear to me to make a great deal of sense when incorporated with the parent clause. However, I think this is a matter which can be debated during the Committee stage, and I commend the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Appointments—

**Mr. FLETCHER:** The Minister will see the purpose of my moving to insert before the word "The" in the first line the designation "(1)". It is necessary to do this because of the subsequent new subclause which is suggested.

The **CHAIRMAN:** Order! The member for Fremantle can speak to the second amendment at this stage in order to justify the first amendment.

**Mr. FLETCHER:** Thank you, Mr. Chairman. I see the wisdom of such a move and I hope the Minister will see the wisdom of my amendments. My proposed new subclause is as follows:—

(2) Where any person shall be appointed to carry out in any port whether proclaimed or not pursuant to Section 10 of this Act, the duties of Harbour Master or Pilot during the absence or inability to act from whatever cause, of the Harbour Master or Pilot, such appointment shall, where a qualified or authorised Harbour Master or a licensed Pilot as the case may be, is not available, be made in consultation with the Western Australian Branch of the Merchant Service Guild of Australia.

I think the Minister has given closer study to this than he admitted when he commented earlier. Surely my request is not

unreasonable: To ask the people who sail the ships and subsequently come ashore to act as pilots—responsible and trained people—for their views. Even the guild secretary could be consulted. I admit that many of the members are at sea, but it seems rather inconsiderate to by-pass them. In a previous argument relating to regulation 102—and I do not want to open an old wound—I pointed out that the Merchant Service Guild of Australia took extreme exception to that regulation.

On that occasion I said the guild would like to be consulted; it is not demanding. On this occasion I circulated a copy of the Bill to the members of this splendid organisation. It consists of very capable, efficient, and highly trained people. They studied the Bill and said they had reservations about clause 4, and asked me how I could help them. I explained that, being a member of the Opposition, all I could do was to ask for the co-operation of the Minister. I have done that to the best of my ability in the hope that he will see the need for consultation with the guild.

I could continue my argument in support of this request but at this stage I will leave it to the Minister and I will listen to his comment. Irrespective of whether we like the amendment in its present form, I would point out that it was drafted by the parliamentary draftsman at my request on behalf of the guild. I move an amendment—

Page 2, line 25—Insert before the word "The" the designation "(1)".

**Mr. ROSS HUTCHINSON:** I would like to say, right at the beginning, that I think the behaviour of the member for Fremantle has been exemplary in his method of researching the legislation. His method of sending copies of the legislation to various interested organisations cannot be quarrelled with at all, and I think the amendment that has been put forward is one which has some merit. However, I cannot see a great deal of merit in it.

In the first place, I do not think there is need to have this sort of amendment written into the Act, so that an organisation should be consulted before an appointment is made. Indeed, if one were to consult the organisation, as is stated in the amendment, should a full meeting of the branch be called and the consultation made, or should the secretary be named?

It is unfamiliar ground for me; namely, that before an appointment is made and a person employed, an organisation should be consulted. I have no doubt whatsoever that if there were any difficulties in trying to secure a deputy—as the honourable member indicates in his amendment—for these responsible posts, and a person was not readily available, then the authority would in all probability consult this estimable organisation. However, to write such

a provision into the Act does not seem to gel with legislative practice.

If one looks at the clause, one will see that the amendment does not take into consideration the initial appointment of a harbour master or pilot. Indeed, it is only the person who would be acting in his stead. As there is no consultation in the first instance, I find it difficult to see why there should be consultation in regard to the appointment of a deputy. I know the honourable member qualifies it in his amendment by saying, "where there is no qualified or authorised harbour master or pilot available." However, I do not think it is a good principle.

I consider the Bill should be left as it is for the time being. I will have a look at the qualifications of these people and the methods of appointment, and I will liaise with the honourable member at some future time if I feel, after consultation with my officers and subsequently with him, that some action is warranted. I am not saying that I think the amendment which has been put forward is satisfactory, but I am saying I will look into the position, as I have indicated; and, if necessary, action can be determined at some subsequent time. I do not think I can be fairer than that.

Mr. TONKIN: The clause which the member for Fremantle is seeking to amend says that the Governor may appoint any person. Does that really mean he can appoint any person at all, whether that person is qualified or not?

Mr. Ross Hutchinson: That is what the provision says.

Mr. TONKIN: It does, and it seems to me to be very dangerous in view of the fact that some of the ports in the north sooner or later may be proclaimed. They are very dangerous places from the point of view of shoals; etc.

If a person is to be appointed, surely a safeguard should be included. In the interests of safety, I can understand the Merchant Service Guild wanting to advise the Minister if he makes an appointment and it has information that the appointment is unsuitable.

Mr. Ross Hutchinson: Yes; but that is not the amendment.

Mr. TONKIN: The amendment has regard to replacement.

Mr. Ross Hutchinson: Or a deputy; that is, an acting person.

Mr. TONKIN: That is so, but surely there is more likelihood of an inefficient or unqualified person being appointed as a replacement or a deputy than would be the case with the initial appointment.

Mr. Ross Hutchinson: Still, as you have said, "any person" is mentioned in the provision.

Mr. TONKIN: Yes, I know and I think it is a weakness. The Government might

be satisfied that it could appoint a cowboy or somebody like that as a harbour master. To my mind, it does not make sense. I think there should at least be some initial qualification and fitness for the position; otherwise, it might go on representation. Somebody could be out of a job and seize the opportunity to obtain one. What criterion will be used in the selection of any person? It seems to be an extraordinary qualification or lack of qualification, in a question of such importance. Is the job of a harbour master one that any person can fill?

Mr. Ross Hutchinson: No; it comes down to people who have qualifications of a similar kind to the ones held by those who are members of the Merchant Service Guild.

Mr. TONKIN: Is that stated anywhere in the legislation?

Mr. Ross Hutchinson: No; it is not stated in this legislation and it never has been. However, the situation has been that these people have been drawn from licensed seafaring men with experience and with the capacity to handle ships of a certain kind.

Mr. TONKIN: But there is nothing to say a harbour master must be drawn from this type of person.

Mr. Ross Hutchinson: Not in this legislation. If I may proceed, I would like to say that is why I have promised to consult with the member for Fremantle in connection with this matter in the future; and I will keep the Leader of the Opposition advised if need be.

Mr. TONKIN: How this amendment will achieve the purpose of the Merchant Service Guild, I do not know. One can readily see the concern of this organisation to ensure that a qualified person—that is, somebody who knows something about the job—will, indeed, be appointed. It would not be the first time a Minister was led up the garden path by representations with regard to appointments for certain positions. I consider it would be a safeguard if there were some provision to the effect that, before such an appointment was made, some discussion or consultation should take place. Of course, it is not entirely new that an organisation should be consulted about an appointment, because legislation exists which provides for organisations to nominate a panel of names from which appointments will be made.

Mr. Ross Hutchinson: That is quite different. I am aware of that fact.

Mr. TONKIN: Yes, and I think it has some importance in this legislation. As a matter of fact, it would be a very good idea if the Minister would accept an amendment that any replacement should be made from a panel of names submitted by this organisation—

Mr. Ross Hutchinson: No, because—

Mr. TONKIN: —because the organisation could be relied upon to ensure that it would submit to the Minister the names of people whom they felt were qualified for the job. I know this organisation has been very concerned about some accidents which have occurred in ports, or places which have not yet been declared ports, because of the inefficiency of harbour masters already operating. The Minister knows that fact.

Mr. Ross Hutchinson: I do not know that fact.

Mr. TONKIN: Does the Minister deny there have been accidents in some of these ports?

Mr. Ross Hutchinson: Of course I do not deny it. There are always accidents in every port. But I do deny what you said, and I want you to prove it to me.

Mr. TONKIN: I ask the Minister what it is I said that he denies?

The CHAIRMAN: Order! The Minister is not obliged to answer.

Mr. Ross Hutchinson: The Leader of the Opposition should not talk gobbledygook.

The CHAIRMAN: I think the Leader of the Opposition should continue his speech and the Minister can reply.

Mr. TONKIN: That is an excellent idea with which I agree. I did not ask the Minister to interject. The position is that already I have knowledge of accidents which have occurred in places up the coast, and these have been caused, I am told, as a result of the incompetence of the men in charge.

Mr. Court: Have they been unqualified men?

Mr. TONKIN: I do not know whether or not the men were unqualified.

Mr. Court: Have they been non-members of the guild?

Mr. TONKIN: According to the information given to me by the Merchant Service Guild, they were not competent men.

Mr. Ross Hutchinson: I would like the Leader of the Opposition to let me have details of this so that what he has said can be proven or disproven.

Mr. TONKIN: I would be very pleased to let the Minister have the information. My memory is not good enough to enable me to give it on the spot.

Mr. Ross Hutchinson: The Leader of the Opposition has apologised in the past and he may have to apologise on this. You see that you prove what you are saying now about these men being incompetent.

Mr. TONKIN: Oh, well—

Mr. Ross Hutchinson: That is what you said!

Mr. TONKIN: What I said was that I have been informed that these accidents occur.

Mr. Ross Hutchinson: You will just say that your informant was wrong again.

Mr. TONKIN: If that is the fact of the matter, what is wrong with that?

Mr. Court: You are making very unfair allegations about men who cannot answer back and whose qualifications are involved.

Mr. TONKIN: Am I?

Mr. Court: You leave no doubt in our minds that those men were unqualified and incompetent.

Mr. TONKIN: I have not said a single word to identify the port or the man, and the Minister's interjection tells me that he knows what I know.

Mr. Ross Hutchinson: Did you promise to prove it?

Mr. Court: It is of no use bringing these things up if you cannot prove what you are saying.

Mr. TONKIN: The Minister made a statement that I have already said something which is derogatory to somebody.

Mr. Ross Hutchinson: So you have!

Mr. Court: So you have; there are not many ports in this State.

Mr. TONKIN: Which port was it?

Mr. Court: I would not know; you are making the allegations.

Mr. TONKIN: If the Minister does not know, what is the basis for the statement he has just made?

Mr. Court: Say which port it is and who the man is.

Mr. TONKIN: I have not said anything derogatory. Members can appreciate the sort of thing we have to put up with!

Mr. Court: You made a serious allegation and you should justify it.

Mr. TONKIN: Against whom?

Mr. Court: Against some men at some port.

Mr. TONKIN: Yes; against some men in some port.

Mr. Ross Hutchinson: You promised to prove it. You are the one—

Mr. TONKIN: You are the one what?

Mr. Ross Hutchinson: To back the allegation up. You should apologise.

Mr. Court: Yes. In fairness to all the members of the guild for whom the member for Fremantle has spoken, you should say who this person is.

Mr. TONKIN: We will get this straight. The Minister is not prepared to deny that serious accidents have occurred in some ports in the north.

Mr. Court: I suppose they happen in all ports over the lifetime of these men. They happen in Fremantle and elsewhere.

Mr. Ross Hutchinson: You said they happen through incompetence.

Mr. Court: Yes, that is what you said.

Mr. TONKIN: Well, how can they happen?

Mr. Ross Hutchinson: That is what you have said.

Mr. TONKIN: How can the Minister say that they do not happen through incompetence if he does not know how they happen?

The CHAIRMAN: I think the Leader of the Opposition should continue his speech.

Mr. TONKIN: I am doing my best.

Mr. Ross Hutchinson: You really put your foot in it!

Mr. TONKIN: I will repeat what I said so there is no doubt about it. I said that serious accidents have occurred at ports in the north, and I will further say that I have been advised by the people who have informed me of these accidents that they were the result of incompetence.

Mr. Court: Now you have placed every harbour master in the north under suspicion!

Mr. Bovell: Name the person!

Mr. TONKIN: Has there been an accident in every port in the north?

Mr. Ross Hutchinson: There is no apology coming up—I can see that!

Mr. TONKIN: If the statement by the Minister for Industrial Development is correct there must have been an accident in every port in the north—that is, if my statement places every harbour master in the north under suspicion. See how difficult it is to pin these gentlemen down on anything they say, Mr. Chairman!

Mr. Court: We are trying to get you off the hook.

Mr. Bovell: In the first statement you made in this exercise you said nothing about an informant.

Mr. TONKIN: If the Chairman will permit me I will ask the Minister for Lands what my first statement was.

The CHAIRMAN: The Leader of the Opposition should continue his speech. There is no obligation upon the Minister to answer the Leader of the Opposition.

Mr. TONKIN: And if you finish your statement, Mr. Chairman, there is no obligation on the Minister to interject. I undertake to consult those who first of all informed me of this and to supply the information to the Minister privately, because I have no desire to make the information public. I introduced it only to emphasise that a danger exists, and it is not desirable that just any person should be appointed; only competent men should be appointed as pilots or harbour masters. That is my intention, and my illustration was to emphasise how necessary it is that not just any person should be appointed. That is the situation.

Further, I would not be accepting my responsibility if I did not point out that accidents have occurred in the north on more than one occasion. It will not be a difficult matter to establish the reason why those accidents occurred. There is

less chance of their occurring if there is consultation with the Merchant Service Guild on any proposed appointment. I cannot see that the Minister will lose any prestige if he consults the organisation to ascertain its views on a proposed appointee.

The CHAIRMAN: The honourable member's time has expired.

Mr. ROSS HUTCHINSON: In a way it is rather unfortunate that this debate has followed the line it has. The member for Fremantle, speaking in support of his amendment, raised the general matter of qualifications, and in replying to him I endeavoured to convey, as fairly and as openly as I could, that I would be prepared to have a close look at this matter.

I said I was not prepared to accept the amendment, because I did not like its form, but that there may be some merit in it. However, perhaps it was inferred from what I said that the amendment could be accepted in the future. I do not know enough about it myself to make a promise such as that. When the Leader of the Opposition rose to his feet he spoke in a sensible vein for the first few minutes, and one could admire his good sense, because it followed along the lines of the argument advanced by the member for Fremantle. But then he got carried away.

Apparently in an endeavour to get one to follow the pattern of his thinking, after he had gone round and round the matter a couple of times, he started to embroider his speech with something that was foreign to the debate.

Mr. Tonkin: In your opinion.

Mr. ROSS HUTCHINSON: Yes, that is indeed true; in my opinion. I ask the Leader of the Opposition: Where are the incompetent and unqualified harbour masters operating? The Leader of the Opposition has conveyed the impression that the qualifications of all those people in the north are in doubt. Why not those in the south? There was no need to make that statement to try to make a point that had already been made, especially as I acted much more generously than he, as Minister, would have acted in the circumstances.

Mr. Tonkin: Again in your opinion.

Mr. ROSS HUTCHINSON: Again in my opinion, which is not an inconsiderable one.

Mr. Tonkin: Again in your opinion.

Mr. ROSS HUTCHINSON: That is so. Having said so much, I am not sure that the Leader of the Opposition, after making his own inquiries as to where these incompetent harbour masters are, should inform me privately; I think he should inform the Committee.

Mr. FLETCHER: The Minister has made some concession in saying he will discuss this subsequently. But if the Bill goes

through in its present form, will the gate be closed to subsequent negotiation? An assertion was made that accidents have taken place in the north, and the *Hansard* I have with me demonstrates the accidents mentioned in relation to our debate on regulation 102. They are listed and could, perhaps, be attributed to incompetency. To demonstrate the guild's concern in respect of proper supervision I would like to quote the questions I asked of the Minister for Works and the answers I received in 1964. They will be found on page 919 of *Hansard* and are as follows:—

- (1) Is he aware that advantage could be found in the appointment of one or more qualified persons to act as outport pilots?
- (2) Will he investigate the need having in mind that such appointees when not required for outport work could act as marine surveyors of fishing and other craft at Fremantle and where necessary, other W.A. ports?

This also touches the ports in the areas in which the Minister for Industrial Development is interested. To continue—

- (3) That such appointees could among other duties—
  - (a) assist Harbour and Light, Fisheries and other Government departments in ensuring that fishing and other craft comply with safety regulations before going to sea;
  - (b) ensure by occasional inspections that such regulations continue to be complied with?
- (4) Will he discuss the above suggestions with Merchant Service Guild and other interested officials with a view to safety of craft and crews?

Mr. WILD replied:

- (1) A recommendation on this subject has already been made to me and at present is being investigated.
- (2) Answered by (1).
- (3) These matters are included in the terms of reference of the Royal Commission on Safety of Vessels, the report of which is awaited.
- (4) This will be considered when the Royal Commission's report is received.

Not only did I distribute the Bill, but I also distributed the amendment to the people concerned. The questions I asked in 1964 indicate that these people wanted safety regulations in connection with all sorts of craft. I went to the trouble to find out the qualifications of pilots, and no doubt the Minister has done likewise. I discovered that a pilot must have a foreign-going master's certificate for a ship of over 2,000 tons; or he must have been a chief officer for in excess of three years or

more; or he must have been known to have pilotage experience.

I do not suggest the Minister would pick up a man off the beach in an emergency and expect him to take over; but after consultation with the guild I feel the amendment I have foreshadowed could be of help to the department, because the guild would immediately know where to put its hand on the man who might be needed in an emergency.

I thank the Minister for saying he will confer with me later, but I feel that once this measure goes through we will be presented with a *fait accompli*. The Leader of the Opposition may think me naive for accepting such an assurance from the Minister, but I do not doubt his sincerity. I have given this matter considerable thought. I discussed it with the parliamentary draftsman, with the Institute of Marine and Power Engineers, and, in particular, with the Merchant Service Guild. They all found it as desirable as I do. I want this amendment to succeed and I will await the Minister's further comments.

Mr. ROSS HUTCHINSON: I am not prepared to accept the amendment. Whether or not the member for Fremantle sees me subsequently, I intend to look into the need for this piece of legislation to contain more specific qualifications—not merely to follow the Commonwealth legislation.

Mr. Fletcher: It would appear that the Minister is adamant.

Mr. ROSS HUTCHINSON: The honourable member has made his point.

Mr. FLETCHER: I think I made it very well. I hope the Minister's comments are not related to his opposition to my amendment, or to ports which might be established subsequently in the north and which would be administered solely by private enterprise. The question which I asked and the comments in *Hansard* which I have mentioned relate to the amendment I have moved. The considerable amount of correspondence I have received from the Merchant Service Guild bears out the need for the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 9 put and passed.

Clause 10: Declaration of ports—

Mr. FLETCHER: I hark back to the earlier comments I made in reference to ports in the north-west, including those privately operated. Can the Minister tell me whether the provision in this clause will apply to private ports which are not declared by proclamation? The provision in the clause states—

The Governor may by proclamation—

- (a) declare any place described in the proclamation to be a

port for the purposes of this Act;

- (b) vary the boundaries of any place declared to be a port by subsection (1) of this section, or declare any place declared to be a port by virtue of that subsection to be no longer a port for the purposes of this Act.

This provision is related to the amendment I moved. I would like some clarification from the Minister, because the Merchant Service Guild is concerned about the matter. It is concerned about the personnel who will man craft in the north-west. The guild wants such personnel to possess suitable qualifications, because it fears that professional work—which is their prerogative—will slip away from its members. It is interested because it wishes to ensure that its members will be associated with the ports and harbours so declared.

Another point mentioned in this clause is that the boundaries of any place declared to be a port can be varied by proclamation. When the boundaries of private ports are varied, will fishing craft be welcome in them? This matter was the subject of a deputation, because a fishing craft which required fuel entered an iron ore port in the north-west, and it was not welcome.

The fishermen of Fremantle and I are concerned about one other aspect. Assuming that a refrigeration plant or a fish treatment plant is established along the coast, and an adjacent area is declared to be a private port, if the boundaries of the port intrude inland, will the owners of the fish treatment plant have the right of road access across property adjoining the port? Two questions are involved: Firstly, will the provisions of the Bill apply to private ports which are not declared by proclamation; and, secondly, will the people engaged in the fishing industry have right of road access to private ports?

Mr. ROSS HUTCHINSON: This clause seeks to reserve to the Government the power to proclaim any port or place. I have no doubt the port referred to by the honourable member is Dampier. This port is operated under an agreement between the Government and the company. The State has a right, whenever it so desires, to proclaim it to be a port for the purposes of any Act.

Mr. Tonkin: When is that likely to take place?

Mr. ROSS HUTCHINSON: It is not likely for some time, because under the terms of the agreement it is understood that during the formative years of the industry there will be no necessity for Government control, because additional costs will be involved by the Government in taking over control of the port.

Mr. Tonkin: And Government revenue will also be involved.

Mr. ROSS HUTCHINSON: Primarily because the industry is in the developmental stage, it has been allowed to operate the port under the terms of the agreement.

Mr. Tonkin: Do you think it will be proclaimed within 10 years?

Mr. ROSS HUTCHINSON: We cannot see any danger in the company operating the port.

Mr. Tonkin: Why then declare any port to be a port for the purposes of the Act?

Mr. ROSS HUTCHINSON: The whole of the port in question was built by the company. All the appurtenances thereto have been built by the company. If a stage is reached where it is logical for the State to step in and take control, the power is in the measure to proclaim the port. So I see no need for any fears whatsoever. Anyone who sees fears in this would see fears in any situation.

Mr. FLETCHER: I do not see fears in anything. I want to know straightout whether guild personnel will be welcome in the ports the Minister has outlined.

Mr. ROSS HUTCHINSON: Of course; only qualified people can be pilots.

Mr. FLETCHER: I find that answer very gratifying. It answers my question.

Mr. Tonkin: You are easily satisfied!

Mr. FLETCHER: Some of the membership will be reassured if those highly qualified members of the guild are acceptable. There is no need for any heat on the subject. I think it would reassure a lot of people in the fishing industry, particularly the prawning industry, which is making great strides further north of the usual fishing grounds, to know they would be welcome in these ports in the case of some emergency. I do not think they should regard these ports as somewhere to go for fuel and stores which they should have taken with them. However, in the case of an emergency, such as a leaky fuel tank, would they be welcome in these ports; and in the event of a processing plant being established on the coast where the only access was through the environs of a port area, would road transport be permitted to cross such territory? The Minister may say that this is not relevant to the clause, but I would like to know.

Mr. ROSS HUTCHINSON: I do not know what course the honourable member is pursuing. If fishing vessels must, they can go into any port in the world. The honourable member knows this as he has been a seafaring man.

Mr. Fletcher: You must concede one was refused.

Mr. Court: Because it would not conform to the general requirements of the port.

Mr. Tonkin: That is not true.

Mr. ROSS HUTCHINSON: There have been instances on our sea coast where the privilege of having private jetties has been abused, and the Government has had to step in to make those jetties available to all and sundry. I do not follow the honourable member at all.

Clause put and passed.

Clauses 11 and 12 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

*House adjourned at 9.55 p.m.*

## Legislative Council

Thursday, the 21st September, 1967

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

### **BILLS (2): INTRODUCTION AND FIRST READING**

1. Town Planning and Development Act Amendment Bill.

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

2. Child Welfare Act Amendment Bill.

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

### **ELECTORAL ACT AMENDMENT BILL**

#### *Third Reading*

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

### **LOCAL GOVERNMENT ACT AMENDMENT BILL**

#### *Third Reading*

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.36 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [2.37 p.m.]: I would like to ask the Minister whether he has given any consideration to having the Act reprinted.

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.38 p.m.]: I have already issued instructions; and, if possible, the Act will be reprinted next year.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

### **LICENSING ACT AMENDMENT BILL**

#### *Further Report*

Further report of Committee adopted.

### **EVIDENCE ACT AMENDMENT BILL**

#### *Second Reading*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Justice) [2.39 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to facilitate the taking of evidence on oath in Australia by such persons as foreign diplomats and consular officers.

At the suggestion of the Commonwealth Government, the Standing Committee of Attorneys-General has agreed to introduce uniform legislation throughout Australia similar to the Victorian Evidence (Foreign Tribunals) Act of 1966. The main provisions of this Act are as follows:—Where an authority desires to take or receive evidence in Victoria, that authority may appoint a person to take or receive evidence in Victoria, who shall, subject to certain conditions, have power to take or receive evidence in that State for that authority, and for that purpose to administer an oath. The Bill now before members is identical with the Victorian Act.

The condition to which I have already referred is that, where the authority is not a court or judge, a person so appointed shall not have power to take or receive evidence or administer an oath in one of the Australian States under the provisions of this proposed uniform legislation, unless he has first obtained the consent of the Attorney-General.

This Bill, nevertheless, does not authorise the taking or receiving of evidence by a person so appointed in or for use in criminal proceedings.

When I speak of an "authority" I refer to any court, judge, person, or body, which is authorised under the law of a foreign country to take or receive evidence on oath in that country.

That, briefly, explains the purpose of the Bill, which has as its objective the granting of facilities for diplomats and representatives here to administer oaths. In the case of a widow of a deceased American soldier, for instance, she could be called in by a representative of the U.S.A. and be examined on oath in matters arising from the death of her husband. At the present time, such procedure would be breaking the law because by the laws of the State, it is unlawful for such person to administer the oath.

Debate adjourned, on motion by The Hon. E. M. Heenan.