BILLS (3): RECEIPT AND FIRST READING

1. Supreme Court Act Amendment Bill.
2. Administration Act Amendment Bill (No. 2).
3. Evidence Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. W. F. Willesee (Leader of the House), read a first time.

House adjourned at 10.54 p.m.

Legislative Assembly

Wednesday, the 24th November, 1971

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

QUESTIONS (46): ON NOTICE

1. TRAFFIC LIGHTS

Alexander Drive-Woodrow Avenue Intersection

Mr. A. R. TONKIN, to the Minister representing the Minister for Police:

In view of the continued bad record of the intersection and because of the problems associated with the new stop sign law which requires that vehicles give way in both directions, will the Minister give serious consideration to either—

(a) installing traffic control lights at the intersection of Alexander Drive and Woodrow Avenue Dianella; or

(b) personally inspecting the intersection during the peak hour traffic period with a view to taking similar action?

Mr. MAY replied:

(a) and (b) Some adjustments to the channelisation treatment are being carried out by the Stirling City Council. These adjustments will allow traffic lights to be installed when justified. Consideration will be given to the installation of traffic lights in the next financial year. In the meantime, observations will be made periodically by officers of the Main Roads Department.

2. EDUCATION

Non-Government School Students

Mr. A. R. TONKIN, to the Minister for Education:

(1) As the attendance of non-Government school students at Government schools must be accomplished either by the increase in class numbers or by the decrease of teachers' preparation time, does he believe that the Education Department should be aware of local arrangements so that the interests of Government school students will be protected?

(2) Do any Government school students attend non-Government schools where it is possible to do so without disruption to the school concerned, and where class sizes are below those generally applying in Government schools?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) It is understood by principals and headmasters that students from non-Government schools will only be admitted for instruction in specialised subjects in Government schools if staff is available and existing classes are not disrupted. It is not agreed that such admissions must inevitably lead to increased classes or decreased teacher preparation time. Principals will use discretion to protect the interests of students and staff members.

(2) The department is not aware of any such cases.

3. SPEEDBOATS AND HYDROPLANES

Silencers

Mr. GRAYDEN, to the Minister for Works:

(1) Is he aware—

(a) that Regulation 51 appertaining to motor and speedboats reads as follows:—

"Every motor boat shall be properly fitted with an efficient silencer.";

(b) that although the W.A. Speedboat Club held a three hour marathon at the Coode Street, South Perth racing circuit on Sunday, 14th November, all boats with the possible exception of two, were equipped with efficient silencers;

(c) that the marathon event referred to proved conclusively that racing speedboats can be effectively silenced;

(d) that on Sunday last when the W.A. Speedboat Club held State hydroplane championship events on the South Perth circuit the noise nuisance was preposterous in the extreme and could be heard two miles from the source?

(2) In view of the fact that for years the Harbour and Light Department has maintained that its inspectors "have repeatedly checked craft and found them to be in conformity with the regulations", how does he reconcile such assurances with the blatant disregard of the regulations on Sunday last?

(3) What action is being taken against the offending speedboats for contravening Regulation 51 on Sunday last?

(4) Is he aware of the efficiency of the Police Department in enforcing the regulations covering noisy motor vehicles, and, if so, what is the reason for the inability of the Harbour and Light Department to effectively police speedboat noise?

Mr. JAMIESON replied:

(1) (a) to (c)—Yes.

(d) I have been made aware of the noise level readings as monitored by the W.A. Acoustic Society, however, no suggestion was made that the noise was preposterous in the extreme.

(2) The Swan River marathon run on the 14th was a family event and, apart from two, all boats competing were powered with conventional outboard motors, the exhaust of which is silenced by discharging through the outboard leg below the waterline.

The event averaged speeds recorded at 35-40 miles per hour and, apart from the two vessels referred to above, could not be classed as racing craft.

The event held on the 19th was a State championship. The contesting craft were all powered by large highly tuned motors and the speeds attained by all these craft were in excess of 80 miles per hour.

The Acoustic Society of W.A., at the request of the W.A. Speedboat Club has been monitoring all meetings of the club and recording noise level readings. Dr. Brian B. Johnson, President of the society, has advised the department and the Speedboat Club that the readings taken at this meeting were the highest recorded.

The Speedboat Club at their meeting on 23rd November, 1971 resolved that they seek advice on what would be an acceptable noise level and they would police this within the club.

(3) In view of the responsible attitude adopted by the W.A. Speedboat Club as outlined in (2) above, no disciplinary action under regulation 51 is contemplated. The meeting was also approved by the Aquatic Council of W.A.

(4) The racing craft noise level should be compared with the speedway at Claremont as each event is an isolated instance.

4. FREMANTLE YACHT CLUB

Mooring Facilities

Mr. FLETCHER, to the Minister for Works:

Adverting to my question 8 on Thursday, 10th September, 1970 and question 1 on 16th September, 1970, regarding Fremantle Yacht Club—

(1) Has the period of option available to South Quay Pty. Ltd.—

(a) expired;

(b) been extended,

in relation to a feasibility study regarding the creation of mooring facilities for seagoing racing yachts?

(2) Has South Quay Pty. Ltd. made any decision to proceed with their project; if so, when?

(3) Will the Fremantle western highway interfere with the creation of facilities for either the Fremantle Yacht Club or the South Quay project?

(4) When is work on the Fremantle western highway to be commenced?

(5) Is he aware that Fremantle Yacht Club has a membership possessing 480 power boats and about 30 yachts?

(6) Owing to increasing demand from club membership and others will he make additional finance available to widen the harbour works launching ramp to cope with two launchings simultaneously?

(7) Failing this, will he permit the Fremantle Yacht Club to increase the capacity of the ramp as suggested in (6) on the grounds that manpower, plant and equipment is available for the purpose?

(8) In the event of South Quay Pty. Ltd. not proceeding with the project at the site intended, will he state what alternative site or sites are under consideration—

(a) for the consortium;

(b) for Fremantle Yacht Club?

(9) Is the matter currently under discussion?

(10) If so, by whom?

(11) In any case, will he have his department do all possible to ensure that the Yacht Club is re-established after so many years disruption as a consequence of fishing boat harbour, road and rail work?

Mr. JAMIESON replied:

(1) (a) Yes.

(b) No.

(2) South Quay exercised its option in July, 1970.

(3) No.

(4) Work has already commenced in Marine Terrace between South and Essex Streets.

(5) No.

(6) Funds have not been appropriated for this work since a decision has been awaited on the proposals of South Quay Pty. Ltd.

(7) Refer to (6).

(8) to (10) Answered by (2).

(11) Yes. The provision of the launching ramp for the exclusive use of the club was a temporary measure only.

5. EDUCATION

Class Sizes

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

(1) What are the present average class sizes in primary schools in—

(a) straight grades—grades I and II, grades III to VII;

(b) two grouped grades—grades I and II, grades III to VII;

(c) three grouped grades—grades I an II; grades III to VII;

(d) four grouped grades (if any) —grades I and II; grades III to VII?

(2) What are the average class sizes in secondary—

(a) lower school;

(b) upper school;

(c) practical classes (manual arts, home economics etc.)?

(3) Has a projection been done and, if so, what is the above information on a projected basis for—

(a) 1975;

(b) 1980?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) (a) to (d) Average class sizes in each grade are not recorded by the Education Department.

(2) (a) Estimated at 32.68.

(b) Estimated at 23.07.

(c) Average class sizes in practical subjects are not available. Facilities are provided in manual arts and home economics, however, for classes of 24 but in many schools classes are below this figure.

(3) No.

6. TEACHERS

Trainees, Graduates, and Resignations

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

(1) How many students are currently undergoing teacher training?

(2) How many students are expected to graduate from teacher training colleges this year?

(3) What is the current resignation rate during teacher training courses?

(4) Can he give an average resignation rate of one graduating group over—

(a) four years;

(b) eight years;

(c) ten years?

(5) Can he give an estimate from departmental projections of the information contained in (1) and (2) for—

(a) 1975;

(b) 1980?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) 2,936 Education Department students.

(2) 774 Education Department students.

(3) 1971. Between February and October 3.5% for all Education Department students.

(4) Such information is not available. A resignation rate is not an indication of loss of teachers to the Education Department. Teachers may have resigned from the permanent staff because of marriage or other reasons and immediately sought re-employment on temporary staff.

(5) (a) 1975— (i) 4,492
(ii) 1,345

(b) 1980— (i) 6,301
(ii) 1,889

7. TEACHERS

School-pupil Ratio

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

(1) How many teachers are presently employed in—

(a) primary schools;

(b) secondary schools;
(c) technical schools;
(d) special services?

(2) How many pupils and students are enrolled in each group (a) to to (d) above?

(3) How many schools or institutions are contained in each group (a) to (d) above?

(4) Can an estimate be given of the above information as it will be in—
(a) 1975;
(b) 1980,
from any projection that may have been undertaken by the department?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) (a) 3,929.
(b) 3,030.
(c) 2,100 part-time.
651 full-time.
(d) 121 in special schools.

(2) (a) 125,418.
(b) 53,214.
(c) 72,000 (including part-time).
(d) 1,257.

(3) (a) 474 plus 46 junior high schools.
(b) 55.
(c) Five colleges plus six schools plus two full-time centres plus 94 technical centres plus 47 adult native education centres.
(d) 23.

(4) 1975
(i) (a) 4,968.
(b) 3,830.
(c) 2,700 part-time.
800 full-time.
(d) 144.
(ii) (a) 147,043.
(b) 64,336.
(c) 94,000.
(d) 1,500.
(iii) (a) 529.
(b) 71.
(c) 17 colleges and schools plus one full-time centre plus 105 centres plus 53 adult native education centres.
(d) 28.

1980
(i) (a) 6,978.
(b) 4,770.
(c) 3,400 part-time.
970 full-time.
(d) 173.
(ii) (a) 195,394.
(b) 76,318.
(c) 116,000.
(d) 1,800.
(iii) (a) 600.
(b) 80.
(c) 24 colleges and schools plus 114 centres plus 60 adult native education centres.
(d) 35.

8. HEALTH

Natives: Mortality and Morbidity Rates

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

(1) Has he read the article by Professor W. B. MacDonald printed in "A New Era"—October 1971?

(2) Has his department been able to confirm the mortality and morbidity rates quoted for Aboriginal children?

(3) If the report is correct, will he undertake to have a report prepared on the action that must be taken to overcome the problem and the estimated costs involved?

Mr. DAVIES replied:

(1) Yes.

(2) The mortality rates are estimates which cannot be proved or disproved. The report on admissions to Princess Margaret Hospital can be taken as accurate.

(3) The general action necessary is an improvement in the standard of living of Aborigines. The costs involved cannot be estimated.

The scientific measures that could contribute to this improvement are education, housing and related facilities.

9. EDUCATION

Holiday Camps: Pemberton and Point Peron

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

(1) Has the Education Department recently requested that maintenance be done on holiday camps at Pemberton and Point Peron?

(2) Is it true that no money will be spent on maintenance of these camps over the next two years?

(3) If so, should not the camps be closed for health and hygiene reasons?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) No, because the maintenance of buildings is included in the Public Works Department repair and renovation programme.

(2) No, but on account of the financial situation, no work of a major nature will be undertaken.

(3) No.

10. TOWN PLANNING DEPARTMENT AND METROPOLITAN REGION PLANNING AUTHORITY

Changes in Organisation

Mr. COURT, to the Minister for Town Planning:

(1) Are any changes in the organisation, administration and/or control of the Town Planning Department or the Metropolitan Region Planning Authority currently under consideration?

(2) If so, what changes are proposed?

Mr. GRAHAM replied:

(1) No.

(2) See answer to (1).

11. DAYLIGHT SAVING

Short-term Money Market

Mr. COURT to the Premier:

With reference to the answers given to the Member for Floreat (questions 48 and 50, 17th November, 1971), will he explain in detail—

(a) Why the balance at the Reserve Bank cannot be known until 10.30 a.m. (answer to question 48 (1));

(b) the extent to which the Rural and Industries Bank earning rate has been reduced because of the lower interest policy of the Commonwealth Government which coincides approximately with the Eastern States daylight saving introduction (answer to question 50 (2));

(c) why daylight saving affected the $2.5 million referred to in the answer to question 50 (2);

(d) why daylight saving in the Eastern States prevented the investment of surplus funds over a weekend (answer to question 50 (2))?

Mr. J. T. TONKIN replied:

(a) This time is decided by the Reserve Bank.

(b) Little, if any, at the time the question was asked and answered.

New Commonwealth Bond rates were announced on 12th November, 1971, and details of the bank's average weekly return from the money market given in answer 50 (2) were made up to the same day.

(c) The dealer did not amplify his comment. The bank can only assume he had filled his book earlier in the Eastern States.

(d) The dealers' books were full but as mentioned earlier in answer 50 (2) there were other depressive factors in the market and it is impossible to say daylight saving was responsible.

12. LIQUID PETROLEUM GAS

Substitute for Petrol

Mr. A. R. TONKIN, to the Minister representing the Minister for Transport:

(1) Is it considered feasible that motorists will be able to change to the use of liquid petroleum gas instead of petrol in the near future?

(2) If "No" what are the impediments to such a conversion?

Mr. JAMIESON replied:

(1) No.

(2) The supply of liquid petroleum gas would be a problem until fuel stations are supplied. It would be necessary for motorists to carry two large cylinders of gas and conversion would be costly to motorists in initial changeover.

13. HEALTH

Fish: Mercury Content

Mr. A. R. TONKIN, to the Minister for Health:

What are the results so far of the tests which were recently instituted for mercury content in fish?

Mr. DAVIES replied:

All the results so far indicate mercury levels within acceptable limits.

14. HEALTH

Polychlorinated-biphenyl Compounds

Mr. A. R. TONKIN, to the Minister for Health:

(1) What restrictions are placed upon the sale of polychlorinated-biphenyl compounds in Western Australia?

(2) How much is sold in Western Australia annually?

(3) What are the uses of these substances?

(4) What is the half-life of the compounds?

(5) What effect does the ingestion of polychlorinated-biphenyl compounds have upon the human body?

Mr. DAVIES replied:

(1) None.

(2) This information is not obtainable at present, but it is understood that the quantities sold are very small.

(3) These substances are used in the manufacture of transformers, condensers, certain paints and office copying equipment.

(4) P.C.B. is virtually indestructible except at very high temperatures.

(5) Little is known about its effect on humans but liver damage has been suggested from toxic doses.

15. PRIVATE SCHOOLS

Government Financial Assistance

Mr. BRYCE, to the Minister for Education:

(1) How much financial assistance has the Government allocated to private schools for the financial year ending June 1972?

(2) For what educational purposes is this financial assistance being used?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) $1,909,500.

(2) Specific grants and their purpose are:—

(a) Payments under section 9B of the Education Act.

(b) School stocks.

(c) Equipment including general library issues.

(d) Matriculation library issues.

(e) Swimming pool subsidy.

(f) Other subsidies.

(g) Interest on money borrowed to build residential buildings.

16. EDUCATION

Achievement Certificate

Mr. BRYCE, to the Minister for Education:

When does the Government propose to introduce the achievement certificate course into the fourth and fifth year levels of State secondary schools?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

The conditions under which the achievement certificate course can be extended into fourth and fifth year are currently under consideration. As a first step towards the extension of the achievement certificate into the upper school, the Board of Secondary Education has recently drafted a preliminary statement which it has circulated in the schools seeking the opinions of teachers.

17. UNIVERSITY OF WESTERN AUSTRALIA

Entrance: System

Mr. BRYCE, to the Minister for Education:

(1) Has any decision been made to alter the present system of university entrance?

(2) If so, what are the details?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) The question of university entrance is currently under review as part of the wider issue of tertiary admission. The review is being undertaken by a committee constituted by the Tertiary Education Commission.

(2) The committee has not yet concluded its deliberations.

18. CANTERBURY COURT

Government Guarantee: Cost

Sir DAVID BRAND, to the Premier:

(1) What is the total cost to the State Government of Canterbury Court parking buildings since its inception by the Hawke Labor Government?

(2) What further financial commitments has the State Government in respect of this project?

Mr. J. T. TONKIN replied:

(1) $318,191.

(2) A contingent liability of $468,000 being the balance of loan indebtedness to the Prudential Assurance Company Ltd.

19. KALAMUNDA AND HAMPTON HIGH SCHOOLS

Enrolments

Mr. MOILER, to the Minister for Education:

What is the anticipated enrolment at the senior high schools of Kalamunda and Hampton for the year 1972?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

Kalamunda Senior High School—1,043.

Hampton Senior High School—1,376.

20. WATER SUPPLIES

Herne Hill

Mr. MOILER, to the Minister for Water Supplies:

(1) What number of consumers in the Herne Hill area could be adequately supplied with water, following the completion of the high level installation at present taking place?

(2) How many properties in the area will be rated on completion of the installation?

Mr. JAMIESON replied:

(1) Presently 81, plus any residences erected on the vacant lots in the area.

(2) 147.

21. STATE FINANCES

Annual Estimates: 1970 to 1972

Mr. RUSHTON, to the Treasurer:

For State budget in the financial years 1970-71 and 1971-72 estimates—

(1) What is the total of receipts from all sources?

(2) What amount has been or will be received from the Commonwealth Government—

(a) for general use without direction;

(b) itemised for special purposes?

(3) Was a balanced budget brought down for 1970-71?

(4) What is the deficit planned for 1971-72?

(5) Is any variation expected to this figure after 4½ months of budgetry period, and, if so, what are the itemised variations?

(6) Will he advise the House the reconciled summary from a balanced budget in July 1970 to the actual deficit in June 1971?

(7) What are the details of all increased and decreased taxes introduced this financial year as to—

(a) source;

(b) receipts expected;

(c) percentage increase or decrease?

(8) Was the Premier's announced anticipated 1971-72 deficit in excess of $30 million derived from preliminary departmental estimates?

(9) If "No" to (8) will he demonstrate to the House how this figure was arrived at?

Mr. J. T. TONKIN replied:

(1) to (4) These figures are readily available in the records of the Legislative Assembly—i.e. 1970-71 and 1971-72 Estimates.

(5) The deficit is expected to exceed the budget provision by $661,000 due to the following—

	$
Delays in implementing taxing measures	580,000
Cost of a 50% reduction in rail freight on wool carried to Albany	136,000
	716,000
Less additional revenue from increased charges in nursing homes	55,000
	$661,000

(6) Expenditure exceeded the budget provisions by $11,734,000 and this was partly offset by increased revenue of $7,366,000. Details appear in statements 3 and 4 of the public accounts for the financial year ended 30th June, 1971, which were presented to the House on 17th November, 1971.

(7) These details are set out in the Treasurer's budget speech delivered on 16th September, 1971.

(8) Yes.

(9) Answered by (8).

22. INDUSTRY (ADVANCES) ACT

Government Guarantees

Mr. RUSHTON, to the Treasurer:

To whom, for what purpose, and for what amount has this Government given guarantees since coming into office?

Mr. J. T. TONKIN replied:

This information is contained in the answer to be given to Question (23).

23. INDUSTRY (ADVANCES) ACT

Government Guarantees

Mr. WILLIAMS, to the Premier:

What guarantees or loans have been advanced or agreed to by the Government since 20th February, 1971, in particular—

(a) to whom have they been made;

(b) the amount in each case;

(c) the purpose in each case?

Mr. J. T. TONKIN replied:

Guarantees and loans made under the Industry (Advances) Act are as follows—

Able Star Engineering Co. Pty. Ltd.; $1,200; Advance to provide funds for receiver and manager.

Amted Industries, Merredin; $10,000; Assistance to decentralised cabinet and joinery works.

Barley Marketing Board; $22,611,000; First advance to barley growers.

Brake and Clutch Services, Northam; $4,200; Assistance to decentralised service industry.

Cardup Metro Bricks Pty. Ltd.; $180,000; Extension of natural gas pipeline (Guarantee not yet issued).

Carnarvon Butchers; $25,000; Additional assistance for working capital and capital expenditure purposes.

Coral Bay Pty. Ltd.; $1,600; Payment of insurance to protect Government security.

Geraldton Fishermen's Co-operative Ltd.; $107,821; Advance to acquire boat-building enterprise (approved by previous Government).

Gorges Caravan Park, Wittenoom; $12,500; Establishment of caravan park.

Hawker Siddeley Building Supplies Pty. Ltd.; $180,000; Extension of natural gas pipeline (Guarantee not yet issued).

A. B. Hunter, Cuballing; $4,000; Additional assistance to country tool handle manufacturer.

Manjimup Canning Co-operative Ltd.; $260,000; Establishment of fruit cannery.

Medicentre Pty. Ltd.; $550,000; Establishment of private "A" class hospital (approved by previous Government).

Metal Manufacturers (W.A.) Pty. Ltd.; $60,000; Extension of premises (approved by previous Government).

Oat Milling Company of Katanning; $38,605; Surety to Australian Wheat Board (approved by previous Government).

Parri Wines Pty. Ltd.; $30,000; Additional assistance—working capital for wine manufacture.

Pemberton Joinery Works; $30,000; Assistance to finance S.H.C. contract at Esperance.

Pinjarra Bricks Pty. Ltd.; $50,000; Establishment of brickworks (guarantee not yet issued).

Refinoil Pty. Ltd.; $50,000 Assistance for seed oil refining venture (guarantee not yet issued).

Roebourne Caravan Park; $52,000; Establishment of caravan park (approved by previous Government).

T. R. Sarich; $700; Additional advance to help finance new invention.

Seekers Manufacturing Pty. Ltd.; $7,000; Assistance to swimmer manufacturer.

South Australian Barytes Ltd.; $2,750; Additional advance towards cost of roads at Wyndham project.

Southern Meat Packers Ltd.; $800,000; Establishment of country abattoir (guarantee not yet issued).

Wallace Engineering Pty. Ltd.; $7,000; Additional assistance to country engineering works (approved by previous Government).

J. E. Watters; $1,750,000; Yundurup canals project.

Wyndham Meats Pty. Ltd.; $600,000; Upgrading of abattoir to meet export requirements.

24. PUBLIC WORKS

Programme

Mr. RUSHTON, to the Minister for Works:

(1) What is the total value of the public works programme for 1971-72?

(2) Will he advise each item of public works programmed for this financial year including the value of each item?

(3) What items (including value) of works programmed for 1970-71 have not been completed or commenced and not been carried forward into this year's works programme?

(4) How much of this year's programme is to be undertaken by day labour?

Mr. JAMIESON replied:

(1) Total value of Public Works programme for 1971-72 is as under:—

Loan, Engineering Division $8,363,000; Architectural Division $24,814,000; total $33,177,000.

Other Funds, Engineering Division $18,669,000; Architectural Division $6,980,570; total $25,649,570.

Engineering Division total $27,032,000; Architectural Division total $31,794,570; total $58,826,570.

(2) Owing to the large number of projects involved, the answer to this question would involve considerable time and effort. It is considered that the expenditure involved is not warranted.

(3) Engineering Division:

Waroona irrigation district—extension—$25,000.

Wyndham new berth investigations—$35,000.

Jerramungup new dam—$10,000.

Mullewa town water supply (commence improvements)—$10,000.

No. 1 district improvements (commence)—$100,000.

Ledge Point town water supply (commence)—$30,000.

Bremer Bay town water supply (commence)—$15,000.

Dardanup town water supply (commence)—$5,000.

Pingrup town water supply (commence)—$5,000.

Architectural Division:

Perth medical centre—public health laboratories (north)—$2,887,000.

Perth medical centre—psychiatric unit and cafeteria—$1,390,000.

Perth medical centre—nurses quarters—$1,500,000.

Perth police headquarters—$4,200,000.

Leonora police station and quarters—$120,000.

Tambellup police station and quarters—$95,000.

Kulin police station and quarters—$110,000.

Koorana child welfare day care centre—$178,000.

Bandyup women's prison—Extensions—$105,000.

Byford inebriates' institution—$290,000.

Kalgoorlie courthouse—$400,000.

Bunbury courthouse—$350,000.

Wanneroo fauna research station—$120,000.

Kalgoorlie Mines Department offices—$63,000.

Meekatharra Mines Department offices—$25,000.

Port Hedland Mines Department offices—$45,000.

Bentley vehicle inspection centre—$329,000.

O'Connor vehicle inspection centre—$314,000.

Mandurah courthouse additions—$22,000.

Kondinin police station and courthouse—$85,000.

Bridgetown Agricultural Department store—$28,000.

Esperance Lands Department office—$19,000.

Government chemical laboratories workshop and rubbish area—$10,000.

Moora new high school—$480,000.

(4) Engineering division=$17,421,000. Architectural division=$3,083,000.

25. YUNDURUP CANALS DEVELOPMENT

Dredging

Mr. MENSAROS, to the Premier:

(1) Is he aware that a letter by the then Premier dated as early as 26th March, 1970, and written to the Secretary, Yundurup delta society, spells out exactly the conditions regarding the months of the year when and the places where dredging can be undertaken by the canals developers?

(2) Is he aware that the contents of this letter were made known to two meetings of the Yundurup ratepayers association on 5th June and 7th August, 1970 in the presence of Miss Watters and/or her engineering adviser?

Mr. J. T. TONKIN replied:

(1) and (2) Whatever the letter alleged to have been written by Sir David Brand to the Secretary, Yundurup delta society under date 26th March, 1970, spelt out as to conditions of dredging, it is to be noted that on Thursday, 3rd September, 1970, Sir David informed the Member for Murray in Parliament that—"The conditions under which a dredging lease may be issued have been determined and a formal offer of lease will be made shortly to the subdivider." This offer was duly made and accepted.

26. YUNDURUP CANALS DEVELOPMENT

Request by Licensed Fishermen's Association

Mr. MENSAROS, to the Premier:

Has the Mandurah licensed fishermen's association made a request to him to the extent that the

conditions so far imposed on the Yundurup canals developers regarding prohibition of dredging during the summer months and prohibition of dredging at any time around the mouths of the rivers of the Murray delta and in fish-breeding shallow waters of the Peel Inlet should be upheld?

Mr. J. T. TONKIN replied:

The request from the Mandurah licensed fishermen's association was that the dredging by Yundurup canals developers not be allowed except during winter months and also that dredging be limited to allow protection of local environment, and an assurance has been given that the request will be met.

27. *This question was postponed.*

28. YUNDURUP CANALS DEVELOPMENT

Government Guarantee

Mr. MENSAROS, to the Premier:

(1) Will the Yundurup canals developers be entitled to use the reported Government guaranteed $1¾ million loan for honouring outstanding debts for earthwork and other sub-contracts performed on the project in the past, or will they be obliged to use it only for future expenditure?

(2) Will the loan and/or guarantee cover carrying of mortgage repayments or other time-payments by purchasers of individual blocks?

Mr. J. T. TONKIN replied:

(1) Funds to be raised under the guarantee arrangements will be available to meet outstanding debts.

(2) No.

29. YUNDURUP CANALS DEVELOPMENT

Viability

Mr. MENSAROS, to the Premier:

(1) Is he satisfied that the Yundurup canals scheme is a viable proposition?

(2) If so, who were the economic experts who advised him that the project is viable despite the fact that building blocks could be hard to sell for the originally announced minimum $10,000 each when the main access canal, owing to its south-west direction, will receive the summer breeze and winter gales and as a result the beach front and canals will be deposited with floating seaweed and various flotsam and jetsam?

Mr. J. T. TONKIN replied:

(1) and (2) From time to time various propositions considered financially sound at commencement are, by changing economic circumstances, made doubtful or non viable, as, for example, Coral Bay. The Yundurup canals scheme was thoroughly researched and is considered to be a viable proposition.

30. COCKBURN SOUND

Discharge of Heated Water

Mr. A. R. TONKIN, to the Minister for Environmental Protection:

Will he make available the report on discharge of heated water into Cockburn Sound mentioned in part (5) of question 13 for 17th November, 1971?

Mr. DAVIES replied:

The study was commissioned by the Fremantle Port Authority and I will discuss the availability of this report with the Minister for Works.

31. YUNDURUP CANALS DEVELOPMENT

Legal Advice to Government: Publication

Mr. MENSAROS, to the Premier:

(1) Was the report in the 20th November of *The West Australian* correct in respect of the fact that the Premier has cited correspondence by the Assistant Crown Solicitor containing legal advice to the Government (irrespective of whether the citation itself has been correctly quoted)?

(2) If so, does the policy of publishing legal advice received by the Government of the day create a precedent or is it a single occurrence?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) The propriety or desirability of publishing legal advice received by the Government depends upon circumstances and is entirely a matter for the Government itself to decide. Nevertheless, parliamentary questions seeking to obtain particulars of advice given to the Crown are inadmissible.

32. POLICE

Kalamunda

Mr. THOMPSON, to the Minister representing the Minister for Police:

Further to question 20 of Friday, 19th November, will he say when more police officers are to be stationed in Kalamunda?

Mr. BICKERTON replied:

No. The Commissioner of Police is obliged to station his men where he considers the law and order of the community is best served. Although full consideration has been given to the matter there are no immediate plans to station more Police officers at Kalamunda.

33. EDUCATION

Westfield Park School

Mr. RUSHTON, to the Minister for Education:

(1) When is it intended to have the Westfield Park primary school grounds drained and filled?

(2) How many students are expected to commence in the next school year and enrol during 1972?

(3) What additional buildings are planned to accommodate the growth in students during 1972?

(4) Is it planned to protect the basic ground works by providing the bore equipment simultaneously with filling and drainage?

(5) As there is no adjacent recreational grounds available to this school, will urgent attention be given to drainage, filling and providing the equipped bore?

(6) When is this work expected to commence?

(7) Will the Department take immediate action to protect the children and school from the fire and snake hazard from the large area of rank grass next to the school?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) During the school summer vacation.

(2) 40 to 45 children are anticipated to commence in 1972. It is not possible to assess with accuracy enrolments during the year.

(3) No additional building is anticipated at this stage for 1972.

(4) Yes.

(5) Yes.

(6) As soon as documents are completed and quotes available.

(7) The Public Works Department will be requested to investigate the situation.

34. YUNDURUP CANALS DEVELOPMENT

Investgation by National Trust

Mr. MENSAROS, to the Premier:

Is he aware that—

(a) the Council of the National Trust had some two years ago appointed a committee for the purpose of making a study of the Yundurup canals scheme;

(b) Miss Watters gave assurance to this Committee as early as February 1970 or thereabouts that no dredging would take place in Peel Inlet off the delta area, nor would any dredging take place in any of the delta river branches if there was any objection?

Mr. J. T. TONKIN replied:

According to copies of correspondence made available to me it was in January, 1970, that the National Trust began to interest itself in the Yundurup development scheme.

In February the administrator of the trust wrote to Miss Watters expressing his council's appreciation of her co-operation but expressing the opinion "that no dredging should be done without complete investigation having first been undertaken."

Miss Watters replied assuring the trust that "the Government is going to great lengths to investigate the proposals with regard to dredging and as I previously informed you we will not dredge and open up the blocked river openings if this is likely to have an adverse effect unless we are made to do so by the Harbours and Rivers Department. As previously mentioned we were only going to do this as a service to the area because the rivers had become blocked and there had been many requests to the department to clear the same. I appreciate the offer by the Trust of its services and as soon as we ascertain the result of the Government's investigation we will know exactly where we will be permitted to dredge and will contact you if we require further advice."

35. WATER SUPPLIES

Helena River Dam

Mr. THOMPSON, to the Minister for Water Supplies:

(1) Further to question 34 of Tuesday, 20th July, 1971 has the catchment area of the new dam being constructed on the Helena River yet been gazetted; if not, when will it be gazetted?

(2) Will he table a plan showing the area of the catchment area?

(3) Will subdivision of urban zoned land within the catchment area be permitted after the gazettal?

(4) Will there be a resistance from the Minister to requests from local authorities for rezoning of land from rural to urban?

Mr. JAMIESON replied:

(1) No. It will be gazetted early in the New Year.

(2) Yes. As soon as available.

(3) Yes—within existing townsite boundaries.

(4) Any requests would need to be individually considered.

36. ABATTOIRS

Slaughtermen

Mr. McPHARLIN, to the Minister for Agriculture:

(1) How many slaughtermen are engaged at the—

(a) Midland abattoirs;

(b) Robb Jetty abattoirs?

(2) In each case—

(a) how many of these are trainees:

(b) what is the wage paid to a fully trained slaughterman;

(c) what is the wage paid to trainee slaughtermen;

(d) what is the percentage rate of absenteeism of slaughtermen at the two abattoirs?

Mr. MAY (for Mr. H. D. Evans) replied:

(1) (a) 207 slaughtermen.

(b) 96 slaughtermen.

(2) (a) Midland abattoirs—32 trainees.

Robb Jetty abattoirs—9 trainees.

(b) Average wage, including Saturday work by mutton slaughtermen—

Midland Abattoirs

	$
Mutton slaughtermen	101.05
Beef slaughtermen	80.26
Pork slaughtermen	83.66

Robb Jetty Abattoirs

	$
Mutton slaughtermen	110.00
Beef slaughtermen	102.00

(c) Midland $51.30—Mutton slaughtermen.

Robb Jetty $52.40—Mutton slaughtermen.

(d) Midland—15% to 20%.
Robb Jetty—8%.

37 and 38. *These questions were postponed.*

39. SHOPPING CENTRE AT GLEN FORREST

Traffic Access

Mr. THOMPSON, to the Minister for Works:

(1) Is he aware that modifications to the road system at the junction of Great Eastern Highway and Hardey Road, Glen Forrest, will make it impossible for vehicles to enter the parking area of the adjacent shopping area from any other way than off Hardey Road?

(2) Is he also aware that this shopping centre has developed mainly because of passing trade, and that any restriction in the access to the shops from Great Eastern Highway will greatly damage this trade?

(3) Will he provide access to the parking area of the shopping centre directly from Great Eastern Highway?

Mr. JAMIESON replied:

(1) No. The road design provides for access from Great Eastern Highway to the shopping centre.

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

40. KALAMUNDA HIGH SCHOOL

Additions

Mr. THOMPSON, to the Minister for Education:

(1) What is the contract date of completion for the current additions to the Kalamunda High School?

(2) Is the contract running to time?

(3) Will the new rooms be available for the start of the next school year?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) 20th March, 1972.

(2) Yes.

(3) No. However, temporary classrooms will be available.

41. POWER BOATS

Registration Fee

Mr. O'NEIL, to the Minister for Works:

(1) Does the answer to question 7 (1) of 23rd November, 1971, imply that there will be no rebate of part of boat registration fees to either clubs or individuals?

(2) If not, what decision has been made regarding rebates?

Mr. JAMIESON replied:

(1) and (2) No. An approved boat club will receive by way of rebate $1.50 for each registered boat owned by a club member.

42. MINING PROJECT AT CAPEL

Rail Transport: Use

Mr. REID, to the Minister for Mines:

(1) In the announcement of a new and separate mining operation by Westralian Sands Ltd. north of the Capel River as reported in

The West Australian of 20th November, what provisions have been made with the company to use rail transport to the port of Bunbury?

(2) Will W.A.G.R. road transport be used to convey the minerals to Bunbury?

(3) What is the estimated life of the new field?

Mr. MAY replied:

(1) Transport factors associated with the new operations have been discussed with the company which proposes to transport the additional tonnages under the existing private road contract.

(2) Answered by (1).

(3) For the member's information this is not a "new field". It is to be a new operation by the company on the north side of the Capel River on the known line of mineralisation.

The existing mine is on the south side of the river.

Mineral sands deposits of the Bunbury-Busselton area are estimated to have a proven life of 20 years.

43. STATE SHIPPING SERVICE

Sale of "Koojarra"

Sir DAVID BRAND, to the Premier:

(1) Has the State Ship *Koojarra* been sold as stated in *The West Australian* of 23rd November, 1971?

(2) Is the price a secret; if not, what is the price and what are the conditions of sale?

Mr. J. T. TONKIN replied:

(1) A contract of sale for the State Ship *Koojarra* has been negotiated.

The sale has not yet been completed. The final date of contract of sale is 17th December, 1971.

(2) When the sale is completed the price will be announced.

44. YUNDURUP CANALS DEVELOPMENT

Government Guarantee

Sir DAVID BRAND, to the Premier:

With reference to the Yundurup canals project—

(1) What is the extent of the Government's guarantee?

(2) (a) what is the rate of interest on the amounts to be guaranteed?

(b) does the guarantee extend to unpaid interest beyond the capital sums guaranteed?

(3) What proportions of the guaranteed funds are to be used—

(a) for work already completed;

(b) for future work?

(4) What lenders are to be guaranteed?

(5) Are there any parties other than the lenders to be guaranteed, and, if so, to what extent and for what purpose?

(6) Have the lenders and any others involved accepted a guarantee under the existing Industry (Advances) Act as adequate without amendment to the Act?

(7) (a) What studies have been made by or on behalf of the Government about the economic viability of the project and the degree of risk under the guarantee;

(b) what was the result of these studies?

(8) Does he agree—

(a) that the Canterbury Court project guarantee which he referred to in one of his public comments about the Yundurup canals project was in fact the result of a commitment entered into by the Hawke Government in April 1958; and

(b) that the Hawke Government sought to have an amendment made to the Industry (Advances) Act for 1958 for the purposes of overcoming a legal obstacle in giving such guarantee acceptable to the lender's solicitors?

(9) Does he also agree that following the defeat of the 1958 Bill, because the Hawke Government would not confine the amendment to deal with a specific case, approaches were made to myself as the then Leader of the Opposition and to the then Leader of the Country Party seeking our agreement to the form of a Bill so that temporary advances could be made by the Commonwealth Bank under Industry (Advances) Act guarantee pending the passage of the Bill in 1959?

(10) Does he agree that the Bill passed in 1959 following the change of Government was to honour the arrangement made

between the then Premier (Mr. Hawke) and myself as the then Leader of the Opposition and the then Leader of the Country Party?

Mr. J. T. TONKIN replied:

(1) $1,750,000.

(2) (a) The interest rate will vary with the discount rate on commercial bills.

(b) Allowance has been made in the amount guaranteed to cover interest charges up to the completion of the project.

(3) (a) Approximately $640,000.

(b) Approximately $1,110,000.

(4) and (5) Funds for the project are to be raised by the issue of commercial bills endorsed by the Rural and Industries Bank. In turn, the bank will be protected against loss by the Government guarantee.

(6) The Rural and Industries Bank has accepted a guarantee under the Industry (Advances) Act.

(7) (a) The proposal was examined by officers of the Department of Development and Decentralisation and the Treasury Department.

(b) The Government was satisfied after examining all aspects that the project had been jeopardised by the imposition of restrictions which were not specified in the original advice to Miss Watters of the terms and conditions of the channel lease and dredging license. In these circumstances the Government considered that it had a moral obligation to assist in financing the project by way of guarantee, just as the Leader of the Opposition's own Government felt with regard to Canterbury Court.

Mr. O'Neil: There is a great difference.

Mr. J. T. TONKIN: There seems to be some mirth from the Opposition.

Mr. Court: It was to honour the arrangement with the previous Premier (Mr. Hawke).

Mr. J. T. TONKIN: That does not come into it. It makes no difference.

Mr. Court: Of course it does.

The SPEAKER: Order!

Mr. J. T. TONKIN: It was done for the purpose of trying to prevent a situation which had developed because of the action of the previous Government.

Mr. Court: Rubbish!

Mr. J. T. TONKIN: People who have little on top can say "Rubbish" with little justice. To continue with the answer—

(8) (a) The Hawke Government was prepared to issue a guarantee to assist in the financing of the Canterbury Court project.

(b) Yes.

(9) I understand that discussions were held with the opposition parties for this purpose.

(10) Yes.

45. YUNDURUP CANALS DEVELOPMENT

Dredging

Mr. MENSAROS, to the Premier:

(1) Have the developers of the Yundurup canals scheme received or are they going to receive any permission which varies the conditions previously laid down for dredging lease in particular, viz: prohibiting dredging—

(a) during the summer months between 1st May and 31st October; and

(b) in the shallow water breeding grounds of the Peel Inlet and near the mouths of the delta rivers?

(2) If there is a variance from the proposed work in connection with dredging as set out in the plan tabled on his request on 20th October, 1970, will he please table the new plan?

(3) Will he give an assurance that no permission will be given to cut a waterway through from the canals to any natural river branch of the Murray River?

Mr. J. T. TONKIN replied:

(1) (a) The authorised commencing date for dredging is 1st March and dredging may continue until the next following 31st October, unless further extended by the Minister for Lands to a date not later than 30th November.

This is the dredging period approved by the previous Government at Cabinet meeting on 26th January, 1971.

(b) There has been no variation in the area in which dredging may be carried on.

(2) See (1) (b).

(3) No alteration is proposed to the area in which the dredge may operate, and which was shown on the plan Tabled on 20th October, 1970.

46. YUNDURUP CANALS DEVELOPMENT

Press Report: Correctness

Mr. MENSAROS, to the Premier:

(1) Was he correctly reported in the 20th November issue of *The West Australian* viz: "The guarantee—(to the Yundurup canals project) —was not a pay off for an election favour"?

(2) What does the report refer to?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) The statement made by me was in reply to direct questions which I resented and for which, in my opinion, there was not the slightest justification and which savoured of malice.

QUESTIONS (5): WITHOUT NOTICE

1. KWINANA-BALGA POWER LINE

Route: Consultation with Local Authorities

Mr. MAY (Minister for Mines): Yesterday the member for Dale asked me to table the opinion of the Director of Environmental Protection in connection with the transmission lines, and I would seek permission to table it.

The opinion was tabled.

2. ABATTOIRS

Trades and Labor Council and Farmers: Project

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

With reference to the T.L.C./U.F.G.A. abattoir proposals, will he please advise—

(1) The nature of the studies being done by his department and/or the Department of Agriculture?

(2) The nature of the request for financial and other assistance from T.L.C./U.F.G.A.?

(3) If there is no firm request from T.L.C./U.F.G.A. for financial and other assistance why are the departmental studies being undertaken?

(4) The stage reached in the departmental studies?

Mr. GRAHAM replied:

(1) No studies are being undertaken by the Department of Development and Decentralisation and/or the Department of Agriculture.

(2) No formal request for financial or other assistance has been received by the Department of Development and Decentralisation and/or the Department of Agriculture.

(3) See answer to (2).

(4) See answer to (1).

3. YUNDURUP CANALS DEVELOPMENT

Dredging

Mr. RUNCIMAN, to the Minister for Works:

(1) Can he give details of the location, direction, and length of the proposed channel or channels to be dredged by the Yundurup canals project?

(2) What amount of fill will be obtained from the inlet?

(3) Will he lay a plan of the proposed dredging channels on the Table of the House?

Mr. JAMIESON replied:

(1) The channel will commence in the deep water of the Peel Inlet at a point approximately 100 chains west of the delta mouths of the river. It will then proceed due east for a distance of 64 chains, thence in an east-south-easterly direction (bearing 117°) for a distance of 37 chains traversing the area from which it is proposed to obtain the fill material, thence in a north-easterly direction (bearing 50°) for a distance of 42 chains, where it will join the skirting canal system of the project.

(2) Approximately 585,000 cubic yards.

(3) A copy of the plan which is attached to license and lease documents is, with permission, hereby tabled.

The plan was tabled.

4. ABATTOIRS

Trades and Labor Council and Farmers: Project

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

Arising out of the answer the Minister gave to my previous question, in view of the fact that he has stated categorically that there are no studies being undertaken in respect of the T.L.C./U.F.G.A. project, would he please

have the answers to previous questions checked to explain what appears to be an anomaly in the Press statements and the answers that have been given by the Government?

Mr. GRAHAM replied:

If the honourable member would be good enough to supply me with particulars of the statements or questions that he has in mind, I would be pleased to make a check.

5. POWER BOATS

Speedboats and Hydroplanes: Silencers

Mr. GRAYDEN, to the Minister for Works:

Does the Minister realise that in failing to observe regulation 51, the W.A. Speedboat Club is flouting the law? Regulation 51 reads as follows:—

> Every motor boat shall be properly fitted with an efficient silencer.

In the circumstances will he give consideration to amending legislation in order to permit the Police Department to police noise levels on the river?

Mr. JAMIESON replied:

Yes, I will give consideration to that request.

ABATTOIRS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Third Reading

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

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. MAY (Clontarf—Minister for Mines) [5.08 p.m.] I move—

That the Bill be now read a second time.

This is a small measure and it is in conformity with the announcement made by the Treasurer during his Budget speech.

In his Budget speech to Parliament on the 16th September, 1971, the Treasurer foreshadowed an increase in the annual rentals payable on certain tenements under the Mining Act including mineral leases. The Bill now before members seeks to give effect to that part of the Budget speech in respect of mineral leases, by increasing the annual rent payable thereon from 50c to $2 an acre. The rent on this type of tenement has not been changed from 50c an acre since the enactment of the Mining Act in 1904. The increase will bring the rental payable on mineral leases into line with that payable on the normal-type goldmining lease.

Due to the depressed state of the goldmining industry and the special circumstances of the coalmining industry, in that the State Government and its instrumentalities are the customers for almost the total production of the two producing companies, the rent is not being increased on goldmining leases or coalmining leases.

Annual rentals on dredging claims and mineral claims are being increased from 25c to 50c, but these rates are provided by regulation so no amendment to the Act is necessary. I commend the Bill to the house.

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

ENVIRONMENTAL PROTECTION BILL

In Committee

Resumed from the 17th November. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. J. T. Tonkin (Premier) in charge of the Bill.

Clause 25: Meetings of Council—

Mr. J. T. TONKIN: I move an amendment—

> Page 13, lines 23 and 24—Delete the passage "has a deliberative vote and in the event of an equality of votes, also" and substitute the words, "does not have a deliberative vote but in the event of an equality of votes".

Mr. COURT: I was hoping the Premier would give us some explanation as to why the Government has changed its mind in connection with the matter. The Premier will see that in a Bill introduced last night by one of his colleagues the reverse situation is planned. I refer to the Abattoirs Act Amendment Bill (No. 2) where it states—

> but in the event of an equality in the voting, the Chairman shall be entitled to a casting vote as well as a deliberative vote.

This matter has been debated in the Chamber from time to time and I know the Labor Party has a policy in relation to it. However, it strikes us as passing strange that last night the Government introduced a Bill with one form of voting and tonight it seeks to bring in another form of voting altogether.

This is the situation we will face if the Premier's amendment is adopted by the Committee: When the result of voting is, say, six to five, the chairman—who is the director—cannot vote to make it even and then exercise his casting vote to carry the

motion one way or another. Under the new amendment proposed by the Premier, his vote would not apply unless there was equal voting without his vote.

The vote could be five for and five against, and only at such a time would his vote count. He would then have the casting vote. In other words, he decides the issue. I wonder whether the Premier could explain why the Government wanted one provision last night when we were dealing with the Abattoirs Act, and now seeks a different provision in the legislation before us at present. We on this side would like to know why this change in format is proposed.

Mr. J. T. TONKIN: I would point out that the Bill dealt with last night was introduced in similar terms to the one I am now proposing to amend. So the thinking on both Bills was the same originally. However, I must admit that this point got under my guard. Whilst I suppose there is no excuse, because anyone dealing with a Bill should be able to dot every "i" and cross every "t" and know precisely what is contained in it, pressure of work sometimes results in less concentration than one would ordinarily give and little errors slip through.

When I was subsequently reading the Bill I saw this error and it was against the principle I have espoused ever since I have been in Parliament; that is, no man should have two votes. Why should one individual have twice the voting power of anybody else on any committee or organisation? That would only be justified if a man was twice as good as anybody else, and I refuse to concede that at all.

The purpose of the amendment is to restrict everybody on the committee to one vote. There is no need for the chairman to vote if the matter has already been decided. If he wants to cast his vote he has a chance to do so, but we should not have a position where the chairman can use his vote to bring about an equality of votes, when the vote is already against his view.

Mr. Lewis: Neither should you deny him that vote.

Mr. J. T. TONKIN: The chairman should not then have an additional vote to decide the matter because that would mean he could wipe out the decision made by a council of 10 or 12 members.

Mr. Lewis: What would happen if there was an equality of voting? How would the issue be decided?

Mr. J. T. TONKIN: The chairman has one vote only.

Mr. Lewis: That is right, and if the voting is equal what happens?

Mr. J. T. TONKIN: If there is not a majority it will not pass.

Mr. Lewis: That is not stated specifically. In other legislation it is specifically stated that in the event of an equality of voting the decision should be resolved in the negative.

Mr. J. T. TONKIN: That is so; if it is a sensible situation. The *status quo* would be preserved and nothing would be done in the meantime. The position is left open to be determined subsequently.

It is my belief this is the fairest, most logical, and soundest way of dealing with this kind of situation. I have never yet conceded that any man is so good that he should have twice the voting strength of any other man on matters which are determined on merit.

Mr. Lewis: Does the Premier think there would be any tendency for the chairman, having only a deliberative vote, to refrain from voting?

Mr. J. T. TONKIN: No more than the tendency on the part of some members of Parliament to get up and walk out. I have seen members get up and talk one way, and then walk out when the vote is taken.

Mr. Lewis: If the voting was four to three most chairmen would not exercise their deliberative vote.

Mr. J. T. TONKIN: That is my opinion, as requested by the Deputy Leader of the Opposition.

Mr. COURT: I feel we are at cross-purposes a little and it would be wrong of me to let the matter go without clarifying the situation. If the amendment proposed by the Premier is adopted we could have a situation at a council meeting where the voting was six to five in favour. At that point the director would not have voted because under the amendment proposed by the Premier he would have no vote.

The vote could be on a matter on which the director had very strong views and he might be in possession of information which was as good as, if not superior to, that of the other members of the council. However, if the council voted six to five in favour the matter would be passed. The director would be impotent in the matter. He would not be able to express a view through a vote. If he was able to vote through a deliberative vote at least the issue would be left in abeyance and the *status quo* preserved.

If we follow the reasoning of the Premier that he should not have a second vote, and if we accept the proposition that no man should have two votes, the matter would be resolved in the negative and it would never get to the stage where a casting vote was used. Is it the intention of the Premier that this should be the situation, because it seems to me that the proposed amendment will disfranchise the director, and not give him a chance at least to see that the *status quo* is preserved?

I thought the Premier may have had another reason because there has been some criticism about the director also being the chairman of the council. I have not seen fit to put forward an amendment because I cannot see any strength in the argument used; but having accepted that the director is a member of the council I am seeking information as to why he is to be denied the right to vote unless the council is evenly divided.

Mr. J. T. TONKIN: The difficulty raised by the Deputy Leader of the Opposition, which I admit is there, arises solely because the members of the council are even in number. This means the chairman would be in a position, if he had a deliberative vote, to block any proposition which came forward if he was against it. If there were an uneven number on the council the worst that could happen would be an equality of voting, in which case the vote of the chairman would decide one way or the other. I am not prepared to give him two votes, and I believe it is better to give him the deliberative vote which would bring the voting to equality and so the situation would remain as it was, rather than force him to hold off and not vote at all. Whilst it could be argued the other way, this is the method which appeals to me.

Mr. COURT: I want to make it clear I am not satisfied we are doing it the right way

Mr. J. T. Tonkin: Which way would you like to do it?

Mr. COURT: If we are to accept the principle of only one vote for the director I would rather he had the opportunity to cast that vote during the course of proceedings so that at least he would have an effective voice on the council. I prefer that he be in a position to express a point of view and then vote. The amendment will mean that he can express a point of view but he will vote only if the chips are down and the voting is even.

I am looking at the matter quite differently from the Premier. If the chairman had strong feelings about a matter he would find himself in the position where he could not use his vote to retain the *status quo* until the matter was subjected to some sort of inquiry. When I saw on the notice paper the amendment proposed by the Premier I took it the amendment would take precedence over the amendment proposed by the member for Mirrabooka. I am not happy about the present position.

Mr. J. T. TONKIN: There are 14 members on the council. If there were seven for a proposition and six against it and the chairman had a deliberative vote—and he was opposed to it—it would be knocked out despite the fact that there was a majority in favour. So, in fact, the chairman has two votes; one vote to bring up the equality, and having brought up the equality the matter would be resolved in the negative by his casting vote.

There would be no way of resolving the situation unless there was a change on the part of some of the members of the authority. I think it is preferable to try to dodge that situation. If the members of the council cannot reach a decision between themselves, then the chairman should be called upon to decide the issue with his vote. I think that is a more reasonable way of dealing with the situation unless one is prepared to give him two votes, which I am not.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 26 to 28 put and passed.

Clause 29: Functions of Authority—

Mr. COURT: The amendment I have on the notice paper raises a matter of vital principle. If the principle is accepted by the Government it will colour the amendments that are necessary to the Bill. The principle I seek to clarify is the role of the Government when it comes to policy-making.

When speaking during the second reading debate, I endeavoured to analyse the Bill as I saw it and run through the various procedures laid down which were explained by the Premier when he introduced the measure. There are a number of procedures which it would take many months to go through before the policy-making point was reached. Some of the procedures might appear to be redundant, unduly laborious, and somewhat contradictory because inquiries, appeals etc. set up under the Act could have less experience and fewer facilities for deciding on matters that had been determined by the authority and the council on the way up. However, leaving aside that complication, I would like to concentrate on the question of principle.

We believe at some point in time the Government must accept responsibility for policy-making. As we understand this Bill, and on the advice given to us by legal people, the Government can do only one of two things. When a proposal—it is not called a recommendation; it is a series of proposals—comes before it, having run the gauntlet of perhaps months of study, the Government can either accept it and have it gazetted by the Governor, whereby the Government's policies will be proclaimed, or it can reject the proposal. If the proposal is rejected the whole procedure starts all over again. The Government cannot amend proposals and stand up and be counted publicly by promulgating them and bringing them to Parliament in the ordinary course of events.

In our opinion, the Government of the day is exposed to public opinion, to the Press, to the electorate, and to Parliament; and we believe it cannot opt out of its responsibility. It is true the Government can accept proposals, in which case it puts its *imprimatur* on them by saying "These proposals have run the gauntlet of the authority, the council, and any inquiries and appeals, and they have come before the Government and are accepted." To that extent only is the Government then responsible, having accepted the recommendations.

We believe the Government should have the responsibility—it is not so much a right—for amending the proposals—which we prefer to call "recommendations"—when they have been through all the procedures and amendment is desirable. I do not suggest that the Government of the day would capriciously amend the proposals; if it did so it would be flying in the face of some fairly heavy opinions. When a proposal has run the whole gamut of the authority, the council, committees of inquiry, and appeal, it would be a fairly brave Government that decided the proposal should not be adopted but should be amended.

However, I can foresee circumstances in which the Government of the day, because of its special approach to a situation and because it knows the type of industry and development it is planning, would want a degree of flexibility. After all, it is accountable for its actions. It is not as though the Government could change a proposal and walk out and neglect its responsibility.

The whole purpose of the amendment on the notice paper is to pave the way for a change in the situation to a point where the Government of the day, having received these proposals, could then amend them and accept responsibility for the amendment. We are doing this in the light of the fact that Governments come and Governments go, so it is not a question of only one Government having this responsibility. We believe, as a matter of principle, it is a good thing that the Government of the day should still remain responsible and have the authority to bring about these amendments.

There is some legal doubt about the Victorian Act, as to whether the Government of the day can in fact amend the recommendations that come before it. One set of legal opinion says it can and another says it cannot. However, the Victorian Government is in the situation that it can revoke and amend proposals once they have become the declared policy for environmental protection. Whether it is done the first time up or subsequently by way of amendment, the Victorian Government has the power to retain unto itself the making of modifications without having to run the full gamut of the procedures.

I move an amendment—

> Page 15—After line 9 insert a paragraph to stand as paragraph (a) as follows:—
>
> (a) to consider and recommend to the Governor policy on environmental matters;

Clause 29 deals with the functions of the authority and we believe it is appropriate to establish the principle in the Bill and to define this recommending responsibility as one of the functions of the authority.

Mr. J. T. TONKIN: I have closely followed the reasoning of the Deputy Leader of the Opposition but he has not convinced me this amendment is desirable. The amendment he has moved, taken in conjunction with the proposed amendments to clauses 37 and 39, relates to the role of the authority and the Government in formulating environmental protection policy.

Let us take it step by step. Under the Bill the authority must submit a proposed policy to the Governor for approval. Clause 39 (2) reads—

> Unless and until published in accordance with subsection (3) of this section, a proposal shall be construed only as a notification of intent and is of no other effect in law.

It is not actually a policy at all; it is a notification of its intention to adopt a policy and as such it has no effect in law.

Under this Bill the role of the Government in formulating policy is considerable. Firstly, in clause 38 the authority must consult with public authorities and such persons as appear to the authority to be likely to be affected and as the authority considers requisite. Secondly, the Minister can direct that any policy formulated be reviewed. I would assume that the Minister, having closely followed what is likely to happen to the policy, would direct that this policy be reviewed if he is not satisfied with it. Thirdly, in so far as important policies may well be referred to the council for its deliberations under clause 34 (a), there is strong departmental representation on the council through consultation by departmental members with their respective Ministers.

It seems to me there is ample provision for the Government itself to be closely associated with and in control of the formulation of policy. Having regard for the departmental officers on the council who will be taking part in the formulation of this policy, and having regard for the fact that the Minister can direct a review of the policy and until it is actually approved

it is only an indication of intent, I do not think there is any need to be fearful that the Government will not be in control of the situation. Accordingly, I oppose the amendment.

Mr. COURT: With respect, I submit the Premier has completely missed the point. It is true there is a large number of Government officers on the council and they would be receiving the indications from their Ministers. One does not have to be childish about this because he would be a poor Minister who was not indicating to his officers how he was reacting and he would be a poor officer who was not indicating to his Minister how he—the officer —was reacting.

Nevertheless, at this point of time this is part of the sifting process when the studies are being undertaken by the authority and under the various mechanisms provided in the Bill. The mechanisms are considerable but they are not the Government. Government officers, acting either collectively or individually, are not the Government. It is not until a matter reaches Cabinet that the Government really beccmes responsible for the actions that are taken, and it either accepts or rejects a proposal. I gather from the Premier's remarks that he does not contest my viewpoint that the Government can do only one of two things—either accept the proposals that have run the gauntlet thus far, or reject them.

Mr. J. T. Tonkin: The Minister can direct beforehand that a review be made.

Mr. COURT: I clearly understood the Premier to say that, but my point is it is still the officers, the authority, the council, the various committees of inquiry, and so on, that are considering the recommendations. At this point the Government is not making the decision. The matter could be referred back to the authority through the Minister who says, "I think you people have missed the point and I want you to have another look at it." The authority does so and, being human, in most cases it will come up with the same answers. He is an exceptional person who goes away, starts all over again, and says, "I was wrong the first time," and tries to come up with another answer. There are some people who do so, but not very many.

I therefore say the Government is in an extraordinary situation in that nowhere in the Bill has it given itself the power to accept responsibility for a variation. It has to come to Parliament for the variation. I can foresee a situation where the Government, for good reason, wants some variation of this policy because a vital development is at stake. The Government of the day might be prepared to stand up and be counted on this particular issue but under this Bill it cannot do so.

I submit this amendment with all earnestness and with full appreciation of the fact that we are giving the Government of the day some power to vary. I urge the amendment without any qualm because I accept the fact that the thoroughness of analysis and study on the way up to the firm proposal stage is such that there would need to be a very good reason for the Government to change it.

We must also realise that when these proposals are eventually gazetted they will have the force of law and will be powerful forces in the implementation of the environmental protection policy. I would like the Premier to give further thought to this, because we are not in any way seeking to interfere with the machinery he proposes to set up. This machinery will still work, but it will be very difficult for the Government. I think some of it is a little redundant and goes a bit too far, but I do not propose to contest this too strongly because the Government has made up its mind that it will live with this anomalous position. I will leave that until we come to the more important part of the Bill when the Government has to consider any proposals put before it. The Government is opting out of its responsibility in this regard and leaving it to an unelected body. That is basically bad.

I ask the Premier to give more consideration to this aspect, because on reflection he must agree that any criticism that was levelled against his original announcement that the legislation would have bigger teeth was directed mainly at the fact that the Government was planning to opt out completely. The Government has not gone quite as far as it said it would in the original statement, but it has gone 90 per cent. of the way, and I believe that under the system of government we espouse, the Government should have the right to make some change if it so desires.

Mr. J. T. TONKIN: The reason for the difference of opinion on this point is because the Deputy Leader of the Opposition views the situation differently from the Government. The Government believes it is desirable there should be as little interference as possible with the authority that is being set up. There will be an appeal board and there will be a safeguard for the Government itself and for persons outside who feel that a decision by the authority on policy is a bad one.

Ample provision is made for consultation all the way along whilst the policy is being formulated so that the authority will be able to judge the Government's thinking on the matter. If the authority puts forward a policy that does not satisfy the Government, the Minister can, before that policy is actually adopted, direct a review. If, as the Deputy Leader of the

Opposition surmises, this means that in most cases the authority will not alter its policy, then the Government will reject it.

Mr. Court: Where do you go then?

Mr. J. T. TONKIN: The Government cannot amend the policy itself, but it can accept or reject it.

Mr. Court: That is the point I am making. Suppose you do not want to reject it. You will have to start all over again, and where do you get?

Mr. J. T. TONKIN: Let us suppose we say that part of the policy is no good. We then give the authority the opportunity to review it. To use the words of the Deputy Leader of the Opposition, if it digs its toes in, then, in those circumstances, if the situation was such that the Minister directed a review in the first place, I cannot imagine the Government being prepared to accept the policy that had been submitted. So I think the situation is adequately covered.

Mr. COURT: Let us be perfectly clear on the issue before us, because apparently I have not got my message across. I am referring not so much to specific cases, but to general policy. I think we are on all fours in regard to this. We could have a situation where there was a complete impasse and the State, in regard to environmental protection policy, is left unprotected. After all is said and done, to get this procedure working smoothly, we will have to declare quickly a policy that everybody can understand. I liken this to the Metropolitan Region Planning Authority. In other words, once the original plan is agreed upon everybody can learn to live with it. Some people may not like it, but at least they know it is the law. Ministers can negotiate various projects and they learn to live with the plan laid down; that is, the Minister for Development and Decentralisation, the Minister for Works and others who have various projects to develop make their arrangements according to that plan. The same applies in this instance. After a year or two I think everyone will settle down to a working arrangement and it will be found that some of the restrictions are not as bad as they appeared to be in the first instance.

Suppose we go through all the motions of these procedures and the plan reaches the Government. The Minister for Development, who is the one most concerned, could say, "This will make it very difficult to achieve certain things." The Government would then be placed in the position that it could accept a proposition that was not acceptable to the Minister or it could reject it.

Mr. Davies: The Government could refuse to accept it.

Mr. COURT: Then the Government would have no policy and nothing could function.

Mr. Davies: You could bring the council to boot.

Mr. COURT: It could then go through the same procedure.

Mr. Davies: That is exactly what we want.

Mr. COURT: It is important that this Committee should understand the procedure. Let us take our minds back to clause 36 under which the authority makes its policies known to the public. When that is done it is a good thing, because the public can start to react, the yeast starts to work, and we can go through all the procedures even though we may be opposed to some of them. The authority runs through all the procedures again and comes up with the same set of proposals six months later. By this time 15 months could have elapsed from the time the legislation has been passed.

We are prepared to trust the Government of the day—and for the moment it looks to be the people on the other side of the Chamber—to amend the proposals in some particular which it would have to explain in public, because these things cannot be performed in secret. The Government would have to be counted for taking such action.

This is not an attempt to weaken the structure. We are trying to be realistic and I hope we can achieve our objective in this way so that the Government has some flexibility in the matter.

Mr. MENSAROS: The Minister for Environmental Protection prompted me to get up to speak on another angle which the Deputy Leader of the Opposition brought out. The Minister said, by interjection, that the Government wanted the authority to review its proposals if they were rejected by the Government, but the Deputy Leader of the Opposition tried to point out that under the Bill as printed this procedure might take a long time. If the policy cannot be amended by the Government of the day, the authority starts all over again and takes an equally long time to bring forward another proposal.

I may be wrong, but I cannot find any provision in the Bill which would cover a situation where a project is started and somebody complains to the environmental protection authority, and until the authority brings down some policy on the matter the project cannot continue to go forward. At the moment there is nothing in the Bill to stop this occurring. If we have to go through this prolonged period the whole purpose of the legislation would be lost by the effluxion of months and perhaps years, by which time the project is completed and the decision, when made, has no purpose whatsoever.

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

Ayes—20

Mr. Blaikie	Mr. O'Neil
Mr. Court	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Stephens
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning *(Teller)*

Noes—20

Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Moiler
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. A. R. Tonkin
Mr. Hartrey	Mr. J. T. Tonkin
Mr. Jamieson	Mr. Harman *(Teller)*

Pairs

Ayes	Noes
Mr. Gayfer	Mr. Burke
Sir David Brand	Mr. T. D. Evans
Mr. Thompson	Mr. H. D. Evans
Mr. Coyne	Mr. Jones
Mr. O'Connor	Mr. Bickerton

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

Clause put and passed.

Clauses 30 to 33 put and passed.

Clause 34: Functions of Council—

Mr. J. T. TONKIN: I move an amendment—

> Page 18, line 24—Insert after the clause number "34." the subclause designation "(1)".

Mr. COURT: When a machinery amendment is moved it is customary for an explanation to be given, and I think now is an appropriate time for the Premier to explain why he wants this amendment.

Mr. J. T. TONKIN: I propose to move for the insertion of a subclause (2) which appears on the notice paper. The purpose is to ensure that Parliament will be advised of those matters which have come before the council. This is desirable and, indeed, necessary otherwise there is no obligation for that to take place.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

Page 19—Add after subclause (1) the following new subclause to stand as subclause (2):—

> (2) The Council shall as soon as practicable after the thirtieth day of June in each year make to the Minister a report of the proceedings of the Council during the year ending on that day, and the Minister shall cause the report to be laid before each House of Parliament within nine sitting days of the House after the receipt of the report by the Minister.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Public Inquiry—

Mr. COURT: On the notice paper I have a number of amendments to this clause and members who have studied them will perceive that they follow from the previous declaration of policy I was seeking. However, the Committee having divided on and decided against that amendment, it would be pointless for me to move these amendments. I merely wish to record our policy in the matter and what we consider is the best way to approach the legislation.

Clause put and passed.

Clause 38 put and passed.

Clause 39: Governor's approval—

Mr. COURT: Members will notice that I desired the Committee to vote against this clause with a view to inserting a new clause later on. I rise merely to emphasise the fact that this is the crucial clause under which the Governor's approval is provided for. However, my previous amendment having been rejected, it would be pointless to do anything about this particular clause, and I merely register our views and protest in this matter.

Clause put and passed.

Clauses 40 to 53 put and passed.

Clause 54: Reserved land—

Mr. J. T. TONKIN: I move an amendment—

> Page 29, line 15—Insert after the word "reserved" the passage "or for the exercise of powers under Part IV, V, VI or VII of that Act, which would constitute or include the alienation or grant, by or on behalf of the Crown, of any interest in land".

Although this clause is quite comprehensive as it stands the legal advisers to the Government have suggested this amendment is necessary, and that it should be submitted as it is, in order to achieve the desire of the Government that the alienation of Crown land by the Lands Department should come under the provisions of this legislation. As the Bill stands the Land Board would be under no obligation to advise the authority of its intended alienation of land. This amendment will make it obligatory for the Lands Department to do that and thereby bring it into line with other departments which must inform the authority of intentions which may have an adverse effect on the environment. It is a desirable amendment.

Mr. COURT: It is important the Committee should understand thoroughly the wider implication of this amendment. Part IV of the Land Act refers to town

and suburban lands; part V to agricultural and grazing land, including conditional purchase land; and part VI to pastoral leases. This provision is an entirely different concept from the one in the original legislation which referred to part III of the Act which deals with reserves. It seems to be generally accepted that reserves fall into a different category and therefore there does not seem to be any basic objection to the inclusion of this part, because over the years a number of arguments have been advanced regarding reserves. A new dimension has intruded over that time and I do not know anyone who has seriously objected to this. Some refer to the inconvenience which could be caused, but no objection other than that has been raised regarding part III.

However, I would like to know a little more about this amendment which refers to parts IV to VI of the Land Act, because I can envisage all types of unnecessary problems arising for the Government of the day. Under this amendment no subdivision could take place and no pastoral lease or conditional purchase lease could be allocated without the whole machinery of this Act being set in motion. It is true the authority might just look at it and give approval to go ahead. This is quite likely in connection with remote areas. However, it will not always be the case. I would like the Committee to understand we are now dealing with reserves, town and suburban land, rural land, conditional purchase land, as well as pastoral leases.

My own view is that it goes too far, and I would like the drafting of this amendment to be refined. We have been unable to come up with anything to present to the Committee because this type of drafting is normally beyond the facilities available to private members.

Mr. Davies: It stipulates that the authority may do it. It is not mandatory.

Mr. COURT: In view of the emphasis placed on the role of this authority, and in view of the public pressure we know will be placed on the authority to look under every gooseberry bush, we should all be a little realistic. We all know that although the amendment says "may," for all practical purposes "may" will become "shall."

Mr. J. T. TONKIN: I hope the Deputy Leader of the Opposition will not strongly oppose this amendment because it has been submitted in order to give the authority control of the situation. A number of transactions would pass through, but if the authority has no power at all it could very well be that something could happen and it would be a case of trying to shut the stable door after the horse had bolted. Therefore I hope the Committee will agree to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Harman.

Sitting suspended from 6.15 to 7.30 p.m.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [7.33 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Western Australian Institute of Technology Act has four purposes—

(1) To provide a more appropriate procedure for the filling of a casual vacancy to the Institute Council, caused by the resignation, retirement, or death of a co-opted or elected member.

(2) To correct the reference to the Mental Health Act 1962, contained in section 10 of the Western Australian Institute of Technology Act.

(3) The third amendment is the one which justifies the introduction of this Bill at this point of time. The amendment seeks to remove any doubt as to the legality of the institute's superannuation scheme.

(4) Finally to provide for payment of compassionate, marriage, and other allowances similar to those enjoyed by employees under the Public Service and Education Acts, to employees of the Western Australian Institute of Technology.

I will now examine each of the proposed amendments in some small detail. The first amendment relates to the constitution of the Institute Council. Subsection (6) of section 9 of the Western Australian Institute of Technology Act relates specifically to the filling of a casual vacancy on the council.

As it now stands, the section provides that where a casual vacancy does occur, the Governor may appoint a person to the vacant office.

The proposed amendment provides a more appropriate procedure for the filling of a casual vacancy to the Institute Council, caused by the resignation, retirement, or death of a co-opted or elected member.

Experience has shown that the necessity for the Governor to appoint members to all casual vacancies on the council is cumbersome and impracticable. The amendment provides for the appointment of members, either elected or co-opted, to casual vacancies in the same manner as the original appointment was made. The

specified constitution of the council as provided in section 9 will not be affected by this amendment.

The next proposed amendment relates to section 10, paragraph (c) of the Western Australian Institute of Technology Act and is provided solely to correct the reference to the Mental Health Act, 1962.

As a result of a recent amendment to that Act, it has become necessary to substitute the word "four" for the word "five," to retain the original intention of the paragraph.

The third amendment relates to superannuation. As a condition of appointment, academic staff have been required to contribute to either the State superannuation fund or the institute superannuation scheme.

However, doubts have recently been expressed as to the power of the council, as the Western Australian Institute of Technology Act is now worded, to establish and maintain an institute superannuation scheme.

To clarify this matter and to give validity to the Institute Council's action, it is proposed to amend section 30 of the Act to specifically provide statutory authority for the operation of the institute superannuation scheme and for a staff member to contribute to either the State superannuation fund or alternatively the institute superannuation scheme according to conditions laid down by the council.

The major amendment to this section is the addition of section 30(a). This provides for the establishment and operation of the scheme, the transfer of superannuation rights of staff previously employed by other educational and research institutions, and the validation of the action taken by the institute prior to this amendment coming into force.

The final amendment required is the addition of a new subsection (1b) to section 34 of the Western Australian Institute of Technology Act to provide similar provisions regarding compassionate, marriage, and retirement allowances to those contained in section 56 (6) of the Public Service Act. This amendment will extend to employees of the institute similar rights to those enjoyed by employees under the Public Service and Education Acts. I have pleasure in commending the Bill to the House.

Debate adjourned, on motion by Mr. Lewis.

JUSTICES ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [7.42 p.m.]: I move—

> That the Bill be now read a second time.

This Bill contains three amendments which are being submitted as a matter of urgency.

For many years it has been the practice of magistrates, with the consent of accused and prosecutors, to remand defendants to actual dates of hearings although the law strictly restricted remands to be for periods not exceeding eight days. I might mention that this is so in the case of nonindictable offences. When a person is committed for trial—that is, in the case of a nonindictable offence—before a superior court, power is available to admit such person to bail on entering into a recognisance with or without sureties to appear at the time and place when and where he is to be tried—and there is no limitation as to eight days. In such cases the period of bail frequently exceeds the period of eight days. To this extent the proposals now submitted cannot be considered as something new and any legal doubts about the past practice should be removed.

Adherence to the strict terms of the law requires, in the case of nonindictable offences—such as offences against the Traffic Act—the attendance of prosecutors, defence counsel, accused, and sureties on behalf of the accused every eight days until the trial is effected. The inconvenience caused to so many persons has prompted the Law Society to request an amendment which will enable a practice of long standing to be followed. There appears to be no reason to oppose such an amendment.

Where the defendant does not appear at the time and place of hearing the court may hear and determine the complaint in his absence. If the complaint relates to a simple offence against the Traffic Act or any other prescribed Act—at the present time there have been no other Acts prescribed for this purpose—the court may receive affidavits of evidence in support of matters alleged in the complaint and may determine the complaint on the evidence so received. This is the law at the present time.

Two safeguards for defendants who do not appear are provided under the Act. Firstly, the court shall not impose a sentence of imprisonment unless the defendant is brought before it. Secondly, provision is made for a defendant to apply to the court within 21 days to have the decision made in his absence set aside which, if the court approves, enables the matter to be reheard. I repeat: this is the law at the present time.

The amendment sought relates to affidavits. Presently, such affidavits must be sworn before commissioners for affidavits who are often not readily available. They are legal practitioners who have been granted a commission from the Chief Justice to take affidavits for use in the Supreme Court. Consequently, in practice, the benefits of the procedure already provided for under the Justices Act are largely lost if a commissioner for affidavits is not readily available.

The ability to have evidence presented in cases dealt *ex parte* unquestionably relieves patrolmen from court attendance. In these days of increasing road accidents, the time saved by not appearing in courts can be better employed in traffic control duties. The proposed amendment will empower magistrates, justices of the peace, and clerks of petty sessions to take affidavits for the purposes of the Justices Act.

I might mention that amendments to the Supreme Court Act presently under consideration by this Chamber will allow affidavits for purposes of the Supreme Court to be sworn also by justices of the peace.

The last amendment relates to the period of imprisonment to be served for non-payment of monetary penalties. This period was last reviewed in 1959 since when there has been a big change in money values and in many cases the amount of penalty which can be imposed. It is proposed that the period of default be calculated at the rate of one day for each $5 of the penalty instead of each $2 as at present. In case any member should try to read into this a budgetary proposition I hasten to assure him that this is not the case at all. If we consider a person who has been charged in a court of petty sessions with a first offence of driving under the influence of alcohol or of drugs and who is fined a maximum of $300 provided under the Statute for this purpose, under the present law he would be required to go to prison for a period of 150 days if he is unable to pay the fine because his fine would be diminished at the rate of one day's imprisonment for every $2 of the fine. We intend to increase the amount from $2 to $5 and, consequently, the period of detention will be reduced accordingly. This is a most humane and desirable reform. The Bill is commended for consideration of members.

Debate adjourned, on motion by Mr. Mensaros.

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th November.

MR. W. G. YOUNG (Roe) [7.51 p.m.]: I rise with mixed feelings to speak to this Bill. I agree entirely with some of the provisions but I am not very happy with others.

One amendment proposes to remove from the parent Act the provision to proclaim areas north of the 26th parallel. At present section 18 reads, in part—

> The Governor may by proclamation declare any part of the State lying north of the twenty-sixth parallel of south latitude . . .

I agree that in many cases it would be desirable for this provision to be removed. In certain parts of the State country towns depend on underground water for their supplies. Unless these are protected in some way probably the water supplies will be diminished and the towns will suffer water shortages. However, to give a complete blanket coverage over the State infringes to a large extent on the rights and privileges of the individual. To take this to its logical conclusion it means that if a boring plant happens to be in a particular farming area the farmer must first apply to the Minister for permission to commence drilling or to sink a well on his property. People who live in country areas realise that if a boring plant is available it is used right there and then, not a week or 10 days later after a person has written to the Minister to obtain the requisite permission.

Mr. Nalder: He would not be likely to receive a reply in a week.

Mr. W. G. YOUNG: Yes, always provided he receives a reply in a week. It is rather startling to observe changes that occur in a short period. We find this is the very argument that was used in 1962 by the then Deputy Leader of the Opposition who is now the Premier. At the time he was opposing a Bill similar to this. I refer to volume 163 of the 1962 *Parliamentary Debates* at page 2516 where Mr. J. T. Tonkin, the then Deputy Leader of the Opposition, had this to say—

> I think that when we propose legislation of this kind, which is restrictive in character and is an infringement on the ordinary rights of the subject, we should attempt to give some justifiable reasons why we propose to take away this liberty . . .

Later on he said—

> So the reason given to Parliament for agreeing to this proposal is that it has become necessary for the department to have control.

In his second reading speech the Minister mentioned seven towns. These were Donnybrook, Dwellingup, Esperance, Geraldton, Mullewa, Northampton, and Three Springs. He also referred to a number of smaller towns but did not list them. Apart from these specific areas, what has altered the situation whereby the farming community at large will now be forced to accept this provision? The provision not only says that a person must apply for permission to sink a well but also to take water out of an existing well. It could be a farmer's main stock watering point, and if the Minister saw fit to declare the area, he could in fact refuse to give him this water. I do not say for a moment the Minister would refuse a farmer the right to use his own water for stock purposes

but this is what could happen under the measure. I think this is an infringement on the rights of the individual.

Subsection (2) of section 18 says—

> Subject to the provisions of subsection (3) of this section, a person shall not, except on behalf of the Crown or pursuant to a license—

This is the license one must apply for which I mentioned earlier. To continue—

> —issued for that purpose under the provisions of section twenty of this Act, commence, construct, enlarge, deepen, alter or draw water from—
>
> (a) any artesian well, wherever situate; or
>
> (b) any non-artesian well that is situate in a proclaimed area,
>
> or cause, suffer or permit any of those things to be done.

In the middle of summer a farmer could be watering 1,000 or 2,000 head of sheep on a bore. Suppose the bore falls in and a contractor is in the district. Under the legislation it is necessary to apply to the Minister for permission to alter the bore. I see the Minister is shaking his head and I hope that when he replies he will say this will be dealt with by a common-sense approach and the provision of a penalty of $200 which is mentioned in the Bill will not apply. This is the reason I am on my feet; namely, to obtain this assurance.

Mr. Jamieson: The Minister will not be saying that.

Mr. W. G. YOUNG: The parent legislation provided that anybody who had commenced work on a bore should notify the Minister within two months of the proclamation of the Act of the fact that he had completed the bore. I think that provision is quite all right. The more the department knows about the water resources of the State the better. I agree entirely with the provision of the Act which says that once a bore is completed the owner shall notify the department of the completion, the soil types, the water types, and salt content. This is good information which the department must have.

However, to say that all these conditions shall apply before a person sinks a well is not feasible. I cannot quote the section of the Act at the moment, but it says somewhere that a person must designate in his application the type of construction of the bore he is going to sink. Anyone who knows anything about sinking bores in the country will know that invariably it is a hit-or-miss operation. We certainly found this out last year when we were sinking bores for drought relief. It is impossible to give specifications and details of a bore until a person hits the water. He might set out to bore for 30 feet and finish at 100 feet. All a person knows is that he is putting a five-inch or six-inch hole down. He will have no idea of other details until he finishes the hole. Section 20 (1) says—

> Every application for a license for the commencement or construction of an artesian well or a non-artesian well or for the enlargement, deepening or alterating of, or the drawing of water from, an existing well shall be made to the Minister in the prescribed form and shall be accompanied by the prescribed plans and specifications, together with a statement of the purposes for which it is proposed to use the water.

That provision is all right. However, I am at a loss to know how anyone could be expected to draw a plan of a hole that is nonexistent and to know how deep the bore will be before it has been sunk.

To give some further weight to my remarks I refer to the same speech made by the present Premier when he was Deputy Leader of the Opposition in 1962. He said—

> I am just wondering what is going to happen in some remote place in a proclaimed area when a person wants to sink a well. Well-sinkers are not in good supply. Sometimes the people requiring their services have to almost queue up to obtain them.

That same position applies today. We do not have a large number of well-sinkers. Certainly last year boring contractors were in short supply when we tried to obtain them for drought relief programmes.

At that time people were writing to every department endeavouring to get water-boring plants on their farms. I think if we impose a restriction on the farmers and make them fill in and forward forms, they will not be able to engage the services of a water-boring contractor who is in the area because he will have left the district before everything is finalised.

A further provision in the Bill about which I am not very happy is contained in clause 5. At present the Act states that the Minister may authorise any officer of his department to do any of the acts which the Minister or the board is authorised or required to do. Clause 5 will add the words, "or any other department of the State" after the word "department." It is bad enough having to apply to the Public Works Department, but on top of that the Minister may now include any other department he thinks fit. I would like the Minister when he replies to tell us why there is a need to include any other departments. I can see the need for the Mines Department to be notified when the water is located, but I can see no need to have other departments involved in the first instance. At a later stage I will support the amendment of the member for Dale which will give members

a chance to study an area which is proclaimed and to have something to say about it when the proclamation is laid on the Table of the House for six days.

I have considered this Bill and endeavoured to frame some amendments. Knowing the need to cater for water deficiencies which may occur in certain areas which are supplied by underground water, I agree with the Minister that we are doing the right thing by protecting water reserves in those areas. However, I do not think it is necessary to provide for it *carte blanche* all over the State and to require farmers in outlying areas to obtain a license prior to commencing work in order to save themselves from being fined. It is expecting far too much to ask farmers to obtain a license before even cleaning out a bore.

I hope the Minister will point out how he intends to get over this provision because there is nothing in the Act to say how he may do it. I would like the Minister to give us an assurance that when a water-boring plant is in an area and a farmer engages the contractor to sink a well he will not be liable to a penalty if he does not notify the department before the contractor commences work. I hope the Minister will tell us that he will not enforce this provision if a farmer commences work without having firstly acquired the requisite license. With those remarks, I support some provisions of the Bill; however, as I have indicated, I will support the amendment standing on the notice paper in the name of the member for Dale.

MR. RUSHTON (Dale) [8.04 p.m.]: The importance of this amending Bill is fully appreciated by the Opposition, and we also appreciate the concern of the previous speaker.

When introducing this Bill, the presentation of the Minister appeared to be far short of what one would expect in an issue of such importance. The main points mentioned by the Minister were that the intention is to permit the control of non-artesian water to the north of the 26th parallel; to obtain information about strata and water; and to exempt the metropolitan area for the time being. Briefly, those are the points he covered.

Anybody who has been to the north and who has experienced the necessity to control artesian water, as is being done at present, will realise how important is this matter. You, Mr. Speaker, would be aware of the relatively strong economy which has resulted in Carnarvon from the control which has been exercised over the Gascoyne River. With the advent of mining companies in the north, considerable amounts of water are needed and without some control and understanding the pastoralists in the north would be in great difficulty. I think these matters are understood by members of this House because at various times they have travelled through the north.

As we all know, up to this point of time these controls have not been operative below the 26th parallel. The reasons put forward by the member for Roe and the concern he has expressed indicate that this issue is a delicate one. The amendments I have placed on the notice paper are an attempt to create a responsible attitude towards this matter. The Minister has also put forward amendments couched in different terms. This is probably because we obtain the services of the Parliamentary Draftsman, whilst he no doubt utilises the services of the officers of the Crown Law Department. I hope this is an indication of his acceptance of our amendments.

Generally speaking, the illustrations provided by the Minister were well intended and well accepted. He mentioned the Wiluna-Meekatharra area and the need for irrigation there. He also referred to the coastal sands fringing the metropolitan area, and we are all aware of how important they will be as time goes by. However, our main concern is for the people who have a water supply which is of value to them because, when purchasing a property, they paid extra for the water supply. Those people have a real concern that one readily accepts, and a concern which the department must consider in the administration of this legislation.

One of the intentions in the Bill, as we have already been told, is to obtain information about the water strata encountered whilst water-boring. This information is most valuable and necessary and we all agree that it should be available and prepared in a thorough manner so that the information will be of use as developments occur in this State from time to time. The information will be necessary not only for developments in the industrial field, but also for the development of townships and communities in the country which must be based upon underground water supplies.

One can look back to the past and think of the towns one has lived in. I know some towns which were dependent upon tank water many years ago, but they are now supplied from underground water or by the reticulation mains. What a difference has occurred in those towns! I believe water is the most important commodity for those who live in country towns.

The information to be obtained will be collated by the Geological Survey Branch of the Mines Department. That branch has done a grand job in the past, and this legislation will enable it to be a little more thorough in the preparation of data which will be readily available to those who must plan for the various activities which may take place in the future. We can rest assured we will not get very far without the necessary information.

The intention is to exclude the metropolitan area for the time being because already a tremendous amount of data is available. However, I understand that a subsequent Bill will come forward which will deal with that area. Of course, we could have a problem when many people provide themselves with water from underground supplies—before we know where we are the supplies may be diminished. This is one of the important facets of the debate. Control must be exercised for the good of those using underground water supplies, and also for the good of the State, because one of our natural assets could be diminished in a way we would never expect. I would like to refer briefly to the amendments standing in my name on the notice paper. One of the amendments from the Opposition is a supplementary amendment standing in the name of a member who is not in the House at the moment. We have a real concern for these amendments because they relate to artesian wells. Notwithstanding the guidance I received from the Parliamentary Draftsman, I was unable to prepare an amendment suitable to describe artesian wells in such a way that the description would not react against people who are engaged in boring for water.

This is of real concern to us because we know all the different circumstances which can apply to artesian water in the way it is described in the Bill. It could be interpreted to mean a bore where there is a free-flowing supply. I would hope the Minister will reassure us and eliminate any doubts we—and also the people involved in this industry—may have and give us a clear undertaking that this matter will be cared for.

There are two methods of drilling—cable drilling and rotary drilling—and various conditions apply to each. Of course, it is almost impossible on a financial basis or a practical basis to apply to cable drilling the same conditions that apply to rotary drilling and artesian well drilling. If that were done we could finish up with tremendous hardships.

When the Minister replies I hope he clears up this point so that we will have a clear understanding and know without doubt what is intended. When we are in Committee I will provide a further explanation of my proposed amendment which is designed to provide a certain amount of protection in this regard. I hope the Minister appreciates the purpose of the amendment.

We must also have full consideration for the price paid by the owner of property. I was a member of the banking profession, and in that profession one often sees purchasers of properties paying an extra sum for a property which is equipped with a good water supply. If the water supply were denied him one could imagine that his asset would be reduced tremendously; and I would hope that would not be acceptable to any member of this House. From time to time it might be very necessary to give full consideration to the individual in this regard. Therefore, I support the views expressed by the member for Roe: that this is something about which we are concerned, and we want a common-sense approach to be made. One of the amendments on the notice paper will pay attention to this if things are not going too well.

It may be that we will have a remedy when the areas are proclaimed because the proclamation must be laid on the Table of the House. We hope that common sense will prevail in the Public Works Department and that matters will be ironed out without any great confrontation.

We on this side of the House feel it is our responsibility to put these points forward to the Minister and to obtain confirmation of his intention to protect the individual. When grievances occur from time to time—and all of us know that grievances will arise—we will have legislation which we hope will enable a common-sense approach and enable the person concerned to have his voice or that of his representative heard.

I have outlined our approach to this very vital and important issue. We wish to adopt a responsible attitude towards it, because it is vital to the future of the State. In supporting the Bill we will do our best to see that the Minister acknowledges our request for an amendment to be made during the Committee stage, when the Minister will be moving his amendments. Our amendment will only be a minor one and we hope he will accept it. So far as this State is concerned we want the information on the water resources to be complete, and we want to be fully acquainted with all aspects of water supplies, so that such information can be made available for the benefit of the State.

MR. NALDER (Katanning) [8.17 p.m.]: It is not my intention to delay the passage of the Bill, but I wish to indicate my support of the requirement on a person who intends to put down a bore or to extend his water supply to furnish details to the department. In my opinion this is a very important factor which for a long time has been overlooked. Anyone who intends to improve the water supply on his property should, in the public interest, supply the information so that it can be recorded; and I can see no better place in which to record it than the department administered by the Minister for Water Supplies. I am sure that such information will be invaluable in the future.

I am rising to emphasise the need for the Minister to give an assurance that the requirements to be imposed under this Bill

will not be cumbersome; and I fear in some instances they could be. I refer to the requirement for a person to obtain a permit from the Minister before putting down a bore or exploring for water. I recall an instance which occurred in 1943 when the State experienced a year of very low rainfall. Many of the farmers all over the State were looking for water, and boring plants were at a premium. It was difficult to get anyone to carry out experimental water-boring.

I remember signing on a contractor who came to my property. He looked around and said he could find water. He got to work with his boring plant, and struck rock at 20 feet. He could not proceed further. He then shifted the boring plant around the 3,000-acre property on five occasions, but in the end no water could be found. He said he could not get through the rock. As a result of that work I did get information on the water supply potential, but I was not required to furnish it to the department. If at the time I had to apply to the Minister for a permit and furnish all the details beforehand, the whole procedure would have been very cumbersome.

Mr. W. G. Young: You would have had to do that every time you shifted the boring plant.

Mr. NALDER: The boring plant was shifted to five different spots in five days, but eventually we had to give up. Subsequently we did find a spot where we dug a hole which gave 50 gallons of water a day. Ten years later we discovered an ample water supply on the property about 15 feet below the surface, and this discovery came about by chance. We found that rabbits were burrowing below the surface on a certain part of the farm. We brought a tractor and a scoop to the spot and began digging. We found the water supply at 15 feet.

I make the point that legislation introduced in this Parliament should not impose a burden on people who are trying to improve their position or the position of the State at large. I hope the Minister will be able to tell us that the reason for the introduction of this legislation is to serve a special purpose. If it is necessary to make available a water supply to a town, then I see no reason that the town or an area within a 10-mile radius should not be declared; that is preferable to requiring the whole State to become involved in this type of legislation. I go along with the proposal of the member for Dale that a proclamation should be issued covering a particular area, but it should not be a requirement on people in all parts of the State to supply the information set out in the legislation, especially before a bore is put down. We are agreeable that if later on the necessity arises the area should be extended.

I hope the Minister will give us an assurance that it is not intended to put people to any inconvenience or unnecessary expense, if they desire to explore for water on their properties. Although provision has been made to extend the water supplies throughout the State, on occasions some parts are likely to experience a water shortage. No doubt we are all aware that from time to time water shortages are experienced, so every encouragement should be given to people to explore for water, and to supply the details for record purposes. I hope the Minister will be able to give us the assurance we seek.

MR. McPHARLIN (Mt. Marshall) [8.23 p.m.]: I shall be quite brief in my remarks, so that I do not delay the passage of the Bill. I support the speakers who have made protests against the provision which requires that a license shall be obtained for any alteration to a nonartesian bore on a property. This is too restrictive.

I would request the Minister to give serious consideration to having this provision looked at again, to see whether it is possible to remove the restriction. We can imagine the position of a farmer in the middle of summer when a water bore breaks down. He could be located 100 miles from a departmental officer to whom he has to make an application. He might be harvesting, and has to get the crop off quickly. Yet, under those circumstances, he is expected to make application before he can make alterations to the bore.

Similar opposition was raised by the then Deputy Leader of the Opposition in 1962. In this instance we find a complete reversal of the attitude adopted by the then Labor Opposition to the very same provision. I suppose the Minister will explain to us how this reversal of attitude has occurred. I would like the Minister to give an assurance that this provision in the legislation will be looked at again closely.

The other point I wish to raise concerns the amendment to section 65 of the Act. This states that subsection (1) of section 65 is to be amended by adding after the word "department" the words "or any other department of the State." This amendment requires clarification from the Minister.

Section 65 relates to the delegation of powers, and under this amendment the delegation of powers may be made to any other department of the State. If the amendment is agreed to the section will read—

> The Minister may authorise any officer of his department or any other department of the State, and a Board may authorise any member or officer of the Board, to do any of the acts, matters, or things which the Minister

or the Board, respectively, is by or under this Act authorised or required to do.

Section 65 (2) sets out in greater detail what can and what cannot be done. I would like the Minister to clarify the position relating to the delegation of powers to any other department. There is already too much of such control. I support the principle of the Bill, but I raise objection to the provisions in the Bill to which I have referred. My principal objection is to the restriction that will be imposed on farmers whereby they will be required to obtain permits to alter the bores or wells on their properties.

MR. JAMIESON (Belmont—Minister for Water Supplies) [8.26 p.m.]: It has taken a long time for the Bill to reach its present stage. It was introduced a long time ago, and I had to find out again what it was all about. I appreciate the support that has been given to the measure, although in some way the support from the rural interests is somewhat limited.

Mr. Nalder: Limited fairly.

Mr. JAMIESON: No, and I shall tell the honourable member the reason. Each year there is about a $12,000,000 reason.

Mr. W. G. Young: That sounds to be a fairly good reason.

Mr. JAMIESON: All the arguments that have been raised in opposition to the extension of the provisions of the legislation have been coming forward, although not in the same context, since the 1962 amendment was passed. This relates to the application of the legislation to the area north of the 26th parallel. These objections included those which were raised by my present leader, the then Deputy Leader of the Opposition.

In areas where this legislation has applied, all the fears that have been raised have proved to be groundless, and for a very good reason. The people in the areas concerned have appreciated the need for rational thinking in respect of water supplies. The planters in the Gascoyne region were not, in the first place, very keen about the application of the legislation, but today not many of them would want to be without it.

Mr. W. G. Young: That is a different set of circumstances.

Mr. JAMIESON: I will deal with the set of circumstances. I start off by referring to farming properties. Without these restrictions a mining company or some similar company could establish a project next to a farming property, as a result of which the water supply located on that property becomes salty. Should that eventuate I am sure the farmer would be very concerned. The aim is to give everybody an equitable supply of water.

I am sure the experience of Country Party members verifies the fact that all State Governments over the past few years have done everything possible to supply the country areas with adequate water, whether it be from underground or surface sources.

Mr. W. G. Young: We are not opposed to this legislation, where it is necessary to apply the provisions of the Bill. What we say is that we do not want it extended throughout the State, until such time as the circumstances demand the extension.

Mr. JAMIESON: I say the situation has arisen where we are required to have available all possible detailed information on water sources. Because one person has adequate water on his property he should not resort to the "Jack" system. The water supply position of his neighbour might not be as good. This time has passed. We have to have this control. It has proved its worth in the mining areas of the north and it will prove its worth wherever it is applied in mining areas, and, indeed, in agricultural areas.

Every week I get applications for assistance to provide dams or bores or some other thing in the country areas. These have to come from taxpayers' money. We are always having to provide country people with something. They must be prepared to surrender some of their rights.

Mr. McPharlin: They are taxpayers, too.

Mr. JAMIESON: Yes, of course they are. —well-subsidised taxpayers.

Mr. McPharlin: They pay a large amount of tax over many years.

Mr. JAMIESON: We subsidise them. The member for Mt. Marshall thinks that the metropolitan area cannot exist without the country or *vice versa*.

Mr. McPharlin: Nobody suggested that.

Mr. JAMIESON: The member for Mt. Marshall is apt to take the attitude that the country is the beginning and end of everything. I believe one cannot exist without the other.

Mr. McPharlin: You said it.

Mr. JAMIESON: I have never heard the honourable member on his feet seeking benefits for a metropolitan dweller.

Mr. McPharlin: There are enough here to do that without my doing it.

Mr. JAMIESON: I often seek assistance for the country.

Mr. Nalder: What about the Bill?

Mr. JAMIESON: It would be a good idea to return to the Bill and some of its aspects. There is the requirement that the information is made available to the department beforehand and a license must be issued. This is a feature of this legislation as it applies to other parts of the State, as I mentioned earlier, and I see no

reason why it should not be extended. We do not require further information from certain proclaimed areas which are considered to have excess moisture. Indeed, we have a very close knowledge of the strata of some areas. It is fairly obvious this provision will affect the unexempted areas. Once the information became available mining companies in the north proved to us that there are vast areas in the State with a fairly lucrative supply of water.

We cannot get this information without a requirement by law. When there is a requirement by law, one must have some force in law, and this is the facet of the legislation which appears to be causing concern. The member for Wellington mentioned the fact that he did not like the idea of the $200 penalty. There must be some form of penalty with any legislation. I do not know of any action taken by the previous Government, and it certainly is not my intention to take action as long as the people concerned do the right thing. If a well caves in, the farmer must use his initiative. It would be obvious to all practical farmers that if their shed falls over they do not wait to get a permit from the local authority to build another one. They build it and argue about it afterwards.

Mr. Nalder: Because there is no law about it.

Mr. McPharlin: You can build sheds until you are black in the face.

Mr. JAMIESON: This may be so under certain circumstances.

Once a regulation is in force there must be a penalty. These penalties are not necessarily going to be applied to their maximum—no magistrate would do this. Members know it is very hard to get magistrates to impose the severest penalty even for serious offences. At the most a warning would be issued, and even then only after the department itself had issued its warning two or three times. I frequently have to issue warnings two or three times where rural matters are concerned.

No Minister will administer an Act ruthlessly from the start. I know what the result of that would be. However, there has to be a force behind a law.

Mr. Lewis: No-one is complaining about getting information: no-one is complaining about that.

Mr. JAMIESON: The member for Moore is still here?

Mr. Lewis: Yes, I am still here.

Mr. JAMIESON: I thought the honourable member had gone.

Mr. Lewis: All we are asking the Minister to do is to be practical.

Mr. JAMIESON: We are being practical about it; the Opposition is being impractical. We only want the information supplied to the department.

Mr. W. G. Young: Are you suggesting that we break the law and then fight about it afterwards?

Mr. JAMIESON: I said if the necessity arises; I stated that very clearly. The honourable member should not put words into my mouth.

Mr. W. G. Young: That is what you said.

Mr. JAMIESON: I said if the necessity arises. I know what the honourable member would do and I know what I would do.

Mr. W. G. Young: I know what I would do; I would break the law. I would not apply for a license.

Mr. JAMIESON: I am not advocating anyone should break the law, but I am advocating that people should use their initiative.

I return to the fact that the people in the areas where this applies have not found it a great inconvenience. No-one will find it a great inconvenience because it will be administered with due regard for the circumstances which prevail in each particular area.

We are getting to the stage where we need good control over such commodities as water. The other States do not have the underground supplies we have, and in many areas there meters are put on the pumps and the farmers are only allowed a certain amount of water.

Mr. W. G. Young: There is provision for that in the Bill.

Mr. JAMIESON: There are provisions here but there is no intention to use the provisions at this stage. This may be necessary in due course as the Government endeavours to supply water to rural areas by way of pipelines, key dams, or any other method. The information should be available so that in times of emergency or times of change the likelihood of the supply of water will be known and the strata will be known also. This information will all be obtained from such drillings or well sinkings.

A point has been made about other departments being put in the picture, and the question asked was: Why should this authority be delegated to the other departments? We now have many sophisticated departments associated with government. Some years back there would be only one or two departments which would require this information. However, now we can instance others which may very well need the information for their activities. The Minister for Fuel would be interested if the well-sinkers strike gas. The Minister for Environmental Protection may be interested in something else. The officers of those departments have every right to get the information they require.

Mr. W. G. Young: This should not be prior to the license being granted. If all these people investigate the application, it may take years.

Mr. JAMIESON: That is not the intention and the honourable member knows that is not the intention.

Mr. W. G. Young: That is what it says.

Mr. JAMIESON: The member for Roe knows what it says. The application will not be investigated by these different departments. The Minister has the power to delegate authority to the departments where it is considered necessary.

If a well-sinker strikes gas in a subartesian well he is sinking, I am sure the Minister for Fuel would be delighted.

This Bill is not very long. The member for Wellington indicated that much of the information required is already available from the statistical returns of agricultural activities. This would be so to a degree but we feel the extra information could be analysed by the Mines Department and the Water Supply Department for future use.

There is no suggestion that the department will apply the sanctions proposed under the Act, as I have already indicated. I am amazed that this has been implied. Governments do not apply conditions as rigorously as they can.

I have no particular objection to the proposed amendments, except for the amendment of the member for Bunbury, which I think is quite unnecessary.

The provisions of the Interpretation Act are considered to be sufficient protection on matters regarding regulations. If a particular person is aggrieved he can see his member of Parliament and have the matter disallowed when Parliament meets. However, it may be necessary to gazette an exemption or an area so classified sometimes, as it is necessary to take action fairly quickly, as Parliament may be in recess. These regulations are covered under the requirements of the Interpretation Act. Time has proved the other method to be far more satisfactory. I would not be a party to altering this particular line of action.

I do not find fault with the principle put forward by the member for Dale in his proposed amendment. However, I did check with the Parliamentary Draftsman. He investigated the parent Act and found a rather strange situation; one form of wording was used in one circumstance and the verbiage would be altered in the next circumstance if the amendment of the member for Dale is agreed to. It does not do the draftsman any credit when legislation develops along this line. This necessitated a small amendment.

The other matter is covered by the Interpretation Act. The member for Dale proposed to write in a provision as affixed in the Bill. It is either Tweedle-dum or Tweedle-dee. We achieve the same objective if we tidy it up in an attempt to achieve the best drafting possible. It will certainly allow us to know where we are going, and I feel it will make it less difficult to interpret the Act at some future date. This amendment is quite justified.

Mr. Rushton: Could the Minister cover the question of the definition of an artesian bore?

Mr. JAMIESON: The member for Dale has raised this matter, and I also raised it many years ago when I was on the other side of the House. I am in no better position to give a clear picture than was the previous Minister. The definition is fairly loosely worded and it could probably be considered that water which was fairly close to the surface and was being forced to the surface through pressure would be artesian. However, that is not the generally accepted principle of artesian water. The water has to come through an impervious strata of medium depth. However, I do not intend to alter the definition, or interpret it beyond what I have said.

The people to whom this provision has applied since 1962 have found no difficulty, and I am assured that the rural residents will find no difficulty in the future.

Finally, I would like to comment on the aspect of the metropolitan area. It is true we have impending legislation concerning the Metropolitan Water Board, but it will be a different aspect altogether. The impending legislation will give rights to certain waters and this has become vitally necessary mainly to prevent pollution of underground sources. Pollution has already been traced and the legislation could be of vital concern to the people in the northern suburbs who draw their water from underground sources. However, it is not proposed to deal with that aspect at this juncture.

At present we wish to increase the coverage which has operated north of the 26th parallel, and has been found to be very satisfactory. The policing of the Act will have to be in accord with the requirements, and if we find any flagrant breaches we will take action. Perhaps I will have to have an inspector permanently stationed in the vicinity of the property owned by the member for Roe! I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Commitees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Water Supplies) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 18—

Mr. JAMIESON: I ask the Committee to vote against this clause so that at a later stage the new clause which I have placed on the notice paper can be inserted. I think it has been fairly clearly canvassed what is intended; the proposed new clause

will tidy up the Bill and prevent many problems in the future.

Mr. RUSHTON: I have no objection to the substitution of the clause but I give the Minister notice that I will attempt to amend the proposed new clause as is set out in the amendment on the notice paper under the name of the member for Bunbury.

Clause put and negatived.

Clauses 4 and 5 put and passed.

New clause 3—

Mr. JAMIESON: I move—

Page 2—Insert after clause 2 the following new clause to stand as clause 3:—

Amendment to s. 18. (Certain wells to be subject of license.)

3. Section 18 of the principal Act is amended—

(a) by deleting the words "lying north of the twenty-sixth parallel of south latitude", in lines two and three of subsection (1); and

(b) by adding after subsection (1) a subsection as follows—

(1a) Section thirty-six of the Interpretation Act, 1918, applies to any proclamation made under subsection (1) of this section as though the proclamation were a regulation.

Mr. RUSHTON: I ask the Minister to reconsider the new clause. The amendment proposed by the member for Bunbury has been deliberately framed because of the vexed question of artesian water. The member for Bunbury desires the Chamber to have an opportunity to object if, in fact, a person's livelihood is prejudiced in any way. Responsible people in the Bunbury area have indicated that they will be in great difficulty. I move—

That the new clause be amended by deleting proposed new subsection (1a).

Mr. JAMIESON: I gave the Committee an indication that I would not have a bar of this amendment. It is desirable to use the form in the Interpretation Act for such regulations. We should accept the formal standard rather than use the reverse. The amendment would require that instead of a regulation being in force until disallowed, it would not be operative until the time expired and then it would come into force. I feel this is cumbersome and I oppose the amendment.

Mr. HUTCHINSON: It seems to me that the Minister has already gone part of the way in endeavouring to accommodate suggestions made by this side of the Chamber in the amendment which he has placed on the notice paper. The amendment which the member for Dale has moved is an extension of the amendment moved by the Minister, and changes the impact and effect of a proclamation to the effect of a regulation. The reason for so doing is to protect the rights of the individual as far as possible. We have already heard expressions from a number of members on this side who, besides supporting the legislation in general, feel that it goes too far in detail.

I do not believe that in practice there will be any great difficulty in these matters. However, I think the Minister would be justified in accepting this extension of his own amendment. He attempted to fob it off by saying, "I am not sure we can fool with the Interpretation Act in this way."

Mr. Jamieson: I think it could be done but I question whether it is desirable.

Mr. HUTCHINSON: It is for the Parliament to determine whether any Act on the Statute book can be changed. This properly falls within our responsibilities. The Minister went on to say we should accept the standards laid down in the Interpretation Act, but this Chamber sets the standards all the time. People cannot be content with standards as they exist at the present time. It has been said there is a divine discontent in man which spurs him on to change and make progress along the road to perfection. This amendment is one small step in that direction.

Mr. Bickerton: How many amendments did you accept as Minister for Works?

Mr. HUTCHINSON: I accepted all the good amendments that were put forward.

Mr. Jamieson: We must have failed miserably.

Mr. Bickerton: You stood on your dignity and said, "This is the way it must be."

Mr. HUTCHINSON: I cannot understand the interjection by the Minister for Housing.

Mr. Bickerton: You can understand it, all right. You are not so dumb.

Mr. HUTCHINSON: I can remember accepting amendments proposed by him.

Mr. Bickerton: There must have been very few, if you remember them.

Mr. HUTCHINSON: They were the rare occasions when the amendments were good. I think the Minister made a point when he said it was desirable that the Government should be able to act quickly on occasions in cases of emergency. In such circumstances the Minister could do what he told the farmer to do if anything went wrong with his well; that is, he could go ahead and validate his action at a subsequent date.

This amendment only seeks to make the proclamation in the nature of a regulation. Is this not fair? No action is to be taken until after the regulation has gone through both Houses of Parliament. I think there is a good deal of reason in this and I think the Minister, having gone so far, could well agree to the amendment. The legislation is sound and this is one small further step he could take.

Mr. RUSHTON: The Minister's reasoning could be reversed. He mentioned the time between sittings, which seems to be growing shorter and shorter. There is not much time between sittings in this day and age. That objection is therefore thrown out.

I have not researched this amendment but I understand the same provision applies in other cases. The member for Bunbury told me the provision applied in other cases and he could not see that the Minister's reasoning should apply in this instance. Our attitude towards this Bill has been very realistic and responsible. The country people should have the protection we seek. I only ask that the Minister reconsider his objection. We do not wish to be difficult. We are merely seeking protection for the people involved and we ask the Minister to accept the amendment. If he finds in the future it does not work, he could bring it back to Parliament, but there is not a very long break between sessions and it is doubted whether a circumstance would arise in which he could not act responsibly.

Mr. JAMIESON: I give the member for Dale an assurance that if the amendment I propose does not work I will bring the matter back to Parliament for further amendment to make sure it works satisfactorily. In the meantime, I intend to insist in Committee that the provisions of the Interpretation Act apply in this case. There may be cases when they apply the other way around. We will not be hard and fast about this.

I agree that Parliament can do anything. Members of Parliament are the only arbiters. However, to keep the matter tidy and reasonably understandable, I consider the regulations should have the force of law until they are disallowed. I am sure if any of these regulations were offensive to the rural section, when they hit the Table of the House there would be a motion on the Table the next day. If problems arise, I can assure the member for Dale I will be the first one to move to correct them through Parliament.

Mr. RUSHTON: The Minister has given an indication that he would accept such an amendment if we could produce a precedent.

Mr. Jamieson: I did not say that.

Mr. RUSHTON: If we could produce a precedent, we could make the amendment in another place.

Mr. Jamieson: I did not say that.

Mr. RUSHTON: The argument is the other way around in this case. I am sure members are aware of the situation that could apply to a person who was involved in this way. I ask members to support what I am trying to do. This Chamber should have a little authority and not leave it so much to the Executive.

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

Ayes—18

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Mr. Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Rushton
Mr. Hutchinson	Mr. Stephens
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. Runciman *(Teller)*

Noes—18

Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Graham	Mr. Harman *(Teller)*

Pairs

Ayes	Noes
Mr. Gayfer	Mr. Burke
Mr. Williams	Mr. May
Mr. Thompson	Mr. H. D. Evans
Mr. I. W. Manning	Mr. Moiler
Mr. Grayden	Mr. J. T. Tonkin
Mr. Reid	Mr. Fletcher
Mr. Mensaros	Mr. Jones

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

New clause put and passed.

New clause 5—

Mr. JAMIESON: I move—

Page 2—Insert after clause 4 the following new clause to stand as clause 5:—

Amendment to s. 20. (Applications for and issue of licenses.)

5. Subsection (5) of section 20 of the principal Act is amended—

(a) by deleting the words "person or", in line four; and

(b) by adding after the word "appoint", in line five, the passage "including at least one person nominated by the person aggrieved,".

This proposed clause gives a person the right of appearance through a nominee. I think the proposal is quite justified. If there is a problem regarding appearance, a person should be entitled to nominate a person to put forward his point of view. It is quite a sensible amendment to cover a situation that can arise from time to time.

I indicated earlier that this new clause differed from the proposal of the member for Dale in that in section 20 (5) of the parent Act the words "person aggrieved" are used, as they are in the new clause proposed by the member for Dale. I commend the proposal to the House. I think it is desirable in order to ensure that fair treatment is meted out to people in such circumsances.

Mr. RUSHTON: I express my appreciation to the Minister in accepting this amendment which was put forward by those on this side of the Chamber. He has had his legal eagles vet it to put it in legislative jargon. This is accepted and appreciated. Its intention has been explained by the Minister. It will give an individual an opportunity to place his grievance in the right place so that he may obtain redress against any decision he considers has prejudiced him.

New clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [9.19 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to ratify an agreement between the State, the Minister for Works, the Fremantle Port Authority, and Cockburn Cement Limited. This document was signed during the life of the previous Government and, in accordance with one of its provisions, the company has requested that it be ratified.

When Cockburn Cement established in Western Australia in 1952, there was an agreement between the company and the State. This was redrafted in 1961 to have regard for developments in the intervening period. As a result of further developments the 1961 agreement was redrafted again early this year, and executed on the 18th February, 1971. Purely as an aside, I would have thought that members of the previous Ministry would be extremely busy at that time, being only two days prior to the general election. However, it indicates that the affairs of State were still receiving attention by them notwithstanding the electoral battle that was then being waged.

There are a number of major points of difference between the latest agreement and those of earlier years. Firstly, the company has the right to request ratification of the agreement, which it has done. Secondly, under the original agreement, although the company did have the right to dredge shell sand from Cockburn Sound, there were no laid down conditions. The latest agreement spells out the terms and conditions in detail, and provides that any dredging is directly under the control of the Fremantle Port Authority.

The latest agreement also provides that the company is relieved from certain obligations under the Mining Act. That is a broad outline of the agreement, and I will now explain to members in detail the various clauses. Here let me say that the clauses, in most cases, are written sufficiently plainly as to be readily followed by any or all members of this House and people elsewhere.

Clause 3 refers to the company's obligation to carry out the manufacture of cement, and also makes reference to the mortgage which secures the advances the State made to the company in 1952. The principal owing at the present time on this mortgage is $1,200,000.

Clause 4 grants to the company the right to construct a jetty into Cockburn Sound. A plan, which I will table, with your permission, Mr. Speaker, shows the position of the jetty and other relevant information, including the area of Parmelia and Success Banks which will be subject to the company's dredging operations. I ask permission to table the plan to which reference has been made.

The plan was tabled.

It is proposed that the barges carrying shell sand will moor at the jetty, construction of which is completed. The barges are bottom dumping barges, and when they are secured alongside, the doors will be opened and the shell sand which has been recovered will be discharged into a pit dug in the floor of the ocean. From there it will be pumped through a pipeline to the cement works. It will be noted that the company has an obligation not only to meet the full cost of the jetty, but also to meet the cost of maintaining it.

Clause 5 grants to the company the rights to remove from the South Fremantle power station up to 75 per cent. of coal ash generated. No charge is made by the State Electricity Commission for the coal ash. However, the company will be responsible for all the costs of removal.

The next clause sets out in detail the conditions under which the company may dredge shell sand from portion of the Parmelia and Success Banks. As I have explained, this right was contained in the original agreement, but was never taken advantage of by the company. However, the company now desires to utilise shell sand in its manufacturing operations, and will commence taking the material as soon

as the necessary plant and equipment have been delivered. This will involve the company in expenditure in excess of $2,000,000.

The clause sets out in detail the conditions under which the company may dredge in Cockburn Sound, and it will be seen that the operation is strictly under the control of the port authority.

Although not spelt out in the agreement, it is intended that dredging by the company will be in such a position that it will provide an alternative channel through the Parmelia and Success Banks.

Clause 7 sets out the obligations of the State. It obliges the State not to grant any rights under the provisions of the Mining Act or the Land Act over the work site or other land which the State may approve. The purpose of this clause is to ensure that the company's reserves of raw material are not jeopardised. I might mention here that only today a responsible officer of the Town Planning Department raised a query about this thinking that, without the matter having been fully investigated, this could, perhaps, impede the orderly development of a certain portion of the Cockburn Sound area. I am having that aspect investigated and it is my hope that the fears of the Town Planning Department will be found to be baseless; in other words, that the agreement will be pursued without it being necessary to have further talks with the company.

The clause also grants exemption to labour conditions under the Mining Act. This is to enable the company to hold reserves of limestone and bauxite to ensure the longevity of the cement manufacturing operations in Western Australia.

Clause 8 is a carryover of a similar clause in the original document, except that the 20 miles from the General Post Office has been increased to 40 miles.

The next provision is to protect the railways as to the minimum tonnage. This is to ensure that the return from the spur line covers interest, depreciation, and maintenance.

There is a standard clause related to the use of local labour and materials. From my experience, Cockburn Cement does use local contractors whenever possible.

Apropos of this obligation I was interested to see, when visiting a shipbuilding yard recently, that a local firm had the contract to construct the barges which will be used during the dredging operations.

The remainder of the clauses in the agreement are the usual ones, and do not require any explanation on my part.

I repeat that the provisions outlined are those that were agreed to by the previous Government. The agreement was signed on the 18th February, 1971, by the Premier of the day—the present Leader of the Opposition—and the previous Minister for Works—the present member for Cottesloe.

Members will note that the second schedule to the Bill is a further agreement which, in effect, is an amendment to the 18th February document which was signed on the 25th August by both the Premier and the Minister for Works. It merely gives effect to a request by the company that cement be defined, and that the definition be extended to include the manufacture of lime.

I commend the Bill to members.

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

Message: Appropriations

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

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th November.

MR. MENSAROS (Floreat) [9.29 p.m.]: This measure is, in the main, a machinery Bill relating to the law and the procedures followed at the Supreme Court. One cannot but commend the Chief Justice, in view of the fact that he has so many duties and studies, for concerning himself with keeping the procedural rules of the Supreme Court up to date and for making recommendations to the Government of the day to introduce necessary amendments to the Act.

The Attorney-General stated that all but one of the amendments in the Bill were recommended by the Chief Justice. This, in itself, is a guarantee, and having studied the drafting of the measure the Opposition welcomes and supports it.

We all know how expensive jurisdiction —especially at the Supreme Court level— has become; it stands to reason therefore that if anything can be done to avoid unnecessary expense and waste of time, it should be done and should not be left unexplored. This is the purpose served by the first amendment which allows for the acting judge or commissioner to conclude the hearing of those cases which he has already started but has not concluded at the time his term of appointment lapses.

This possibility, as the Attorney-General mentioned, is already given to judges who are about to retire and are involved in the same situation of having started but not concluded a case.

The provision prevents the necessity of ordering a retrial in those cases which were started but not concluded by an acting judge or commissioner. Only recently we learnt that the Suitors' Fund Act makes provision to cover—under certain conditions—the cost of such retrials; yet even if it does, the retrial is a cumbersome waste of time and money.

There is not much more to be said regarding the following provisions in the Bill which repeal section 17 which refers to the Imperial Act in connection with admiralty cases.

The subsequent provisions allow for a greater flexibility as to the times and places when and where the Supreme Court shall sit, giving discretional power to the Chief Justice to determine the sittings outside the metropolitan area. He is vested with discretional power also to allow Criminal Court sittings in certain simple cases during the conventional yearly holiday month of January. This does not apply to sittings involving juries because almost every one of the prospective jurors would be grossly inconvenienced.

A similar provision makes it possible not only for urgent cases, but for all requested cases to be heard by a vacation judge.

The last of the amendments in this group deals with Circuit Court sittings, again empowering the Chief Justice to decide when and where the Circuit Court shall sit, if this is not provided for in the rules.

One would find probably that experience has shown that routine re-occurring sittings in the north-west towns have not produced enough cases and were possibly a waste of time or at least uneconomical for a judge and the accompanying lawyers to travel such distances for only one or two short hearings. The provided flexibility will give an opportunity to the Chief Justice to decide the sittings in the north-west only as sufficient demand requires. A further amendment is actually remedying what seems to have been an omission from previous legislation. We have already realised, under the Suitors' Fund Act Amendment Bill, that when the District Court was created there was no provision legally to collect the fees, and the same situation exists, perhaps in a milder way, in connection with the appointment of a commissioner.

As members know, a commissioner is appointed as acting judge either for a particular case or, more frequently, for a particular period of time. It stands to reason that if stipendiary magistrates can be appointed as commissioners, the district judges, who are higher in the hierachy of jurisdiction, should also, or more so, be entitled to be appointed. This, however, was apparently overlooked when the District Court of Western Australia Act was being drafted, and an attempt is now being made to remedy the situation.

This particular case is a reminder to us that when legislation is prepared by any Government it should be prepared carefully enough and all possible Acts and Statutes should be examined if they will be affected by the particular legislation so that nothing is left out and has to be remedied later on a piecemeal basis.

The following amendment serves expediency and empowers the judges or the court to delegate part of the business, more particularly in matters of clarifying facts, to the master of the court. The master will have the right to deal with those matters when ordered as he is able to deal with the assessment of damages at present.

There cannot be, of course, any objection to this as there can be no objection to the subsequent affirmative amendment which clarifies that the Full Court is able to sit in two divisions at the same court.

The following three provisions take into consideration the increase in interest rates and the decrease in monetary values. They provide for a review of the present statutory interest rate of 5 per cent. of debts declared by a judgment, and leave it to the Treasurer to vary the rate from time to time.

Although it is inconceivable that any Treasurer would set unreasonable or unrealistic rates, one is tempted to ask whether it was deemed entirely unnecessary to have the Treasurer do so by regulation which then would be laid on the Table of the House and examined and, if necessary, disallowed. I hope the Attorney-General will have something to say in connection with this matter.

In the category of monetary adjustments falls the provision of raising the amount from $200 to $750 of debts declared by local court judgments which have to carry interest rate, the same way as if they are declared by the Supreme Court. Equally the value of goods which are protected from seizure by the sheriff or bailiff is to be increased by 50 per cent.

Finally, an obviously ancient provision is attempted to be brought up to date by allowing the justices of the peace to take affidavits in every case dealt with by the Supreme Court; whereas according to the Statute at present, they are apparently allowed to do so only in certain cases where there is no commissioner of affidavits within three miles. This provision appears to be left from the horse and buggy days.

With those brief remarks, I can commend the Bill, and I support its second reading.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [9.41 p.m.]: I thank the member for Floreat for his commendatory remarks on this Bill. Clause 13, provides for the repeal and re-enactment of section 142. The proposed new subsection reads—

> 142. (1) Every judgment debt shall carry interest at such rate for every hundred dollars by the year as the Treasurer from time to time by notice published in the *Government Gazette* determines

The member for Floreat sought the reason the rate was being determined by the Treasurer instead of its being prescribed.

Mr. Mensaros: I was really querying whether there was any reason for not tabling the decision of the Treasurer. I do not quarrel with the Treasurer deciding the rate.

Mr. T. D. EVANS: It will be published in the *Government Gazette* and therefore will be open to question in Parliament and the Press. I see no reason for not tabling it, but it will certainly be published. As the honourable member mentioned, no Treasurer would be likely to strike an extravagant rate.

I thank the honourable member for his support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

ADMINISTRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 19th November.

MR. MENSAROS (Floreat) [9.45 p.m.]: This Bill is consequential to the amendment which dealt with the widening of the sphere in which justices of the peace can take affidavits. It has to deal with the provision which restricts justices of the peace in the taking and signing of affidavits for purposes of the Administration Act to cases where a commissioner for affidavits is not available within a radius of 10 miles.

One wonders whether this provision might have been born much earlier than the provision in the Supreme Court Act because the distance in this case is 10 miles, whereas in the case of the Supreme Court Act it is three miles. The Supreme Court Act was introduced in 1935, whereas the Administration Act was introduced in 1903. However, whatever the reason, it would not make a great deal of difference. It is not important where it came from. What is important is that the amendment is necessary and welcome.

I will use this opportunity to point out that the provision exists in the Justices Act—as was mentioned by the Minister just a short while ago in his second reading speech—it exists in the Evidence Act, and it also exists in the Administration Act. I wonder whether there are any other Statutes under which justices of the peace are restricted in the taking of affidavits. If any other Acts do contain the restriction, I think they should be investigated with a view to lifting such restrictions, if appropriate.

If the Attorney-General cannot answer my question tonight—and I would not blame him if he could not—I request him to cause some sort of examination to be carried out by his department with a view to lifting any restrictions which might apply. If appropriate, the restrictions should be lifted. I support the second reading.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [9.47 p.m.]: I again thank the member for Floreat for his comments relating to the Administration Act. In answer to his query I would indicate that reference relating to sworn affidavits within the State jurisdiction are to be found in the Supreme Court Act, in the Evidence Act, and in the Administration Act. References are also found in the Local Courts Act which specifically provide for justices of the peace to be competent to take affidavits within their jurisdiction.

As the member for Floreat may recall, this afternoon I introduced an amendment to the Justices Act to provide in that jurisdiction for affidavits to be used in Courts of Petty Sessions whereby justices of the peace may also be competent to swear affidavits in that jurisdiction. To my knowledge of State law this will complete the spectrum so that justices of the peace will be able to obtain sworn affidavits in any jurisdiction relating to State law. If any other area is discovered where this is not so, the matter will be rectified. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th November.

MR. MENSAROS (Floreat) [9.50 p.m.]: The provisions of this Bill are also consequential to the amendments to the Supreme Court Act relating to the powers of justices of the peace in regard to the kind of affidavits they can take. The section of the Evidence Act which it is proposed to repeal is fairly lengthy and one would have to read it three or four times before one could appreciate all the circumstances and all the cases to which it relates.

It is interesting to observe that the distance mentioned is three miles. So we have had three different instances of legislation where the distances and circumstances relating to commissioners of affidavits are different.

Because this Bill deals with justices of the peace I would like to take this opportunity to draw the attention of the Attorney-General to the circumstances surrounding the appointment of a justice of the peace. Occasionally, a member of Parliament can be placed in a difficult position and, sometimes, even in an embarrassing position. It is well known that the appointment of a justice of the peace usually requires the recommendation of the local member of Parliament. It is understood, of course, that the member concerned will use his own judgment and will only recommend someone whom he thinks is suitable for the position.

The difficulty is that a member of Parliament does not know the conditions and circumstances under which a person will be appointed a justice of the peace. The information is not included in any Statute, categorically, and the only reference is in fairly general terms. This often puts the local member in an awkward position. One does not wish to recommend someone and raise his hopes only to find that the recommendation is rejected for some reason or other.

If members knew the circumstances and conditions which were considered by the Premier's Department, one would be more selective, perhaps, and not recommend cases which would have no hope of success. With knowledge of the conditions required one would not raise the hopes of an applicant.

Some years ago I had an experience concerning the appointment of a justice of the peace. In fact it was soon after I became a member of Parliament. I recommended the appointment of the head of a Commonwealth department. However, my recommendation was rejected on the ground that the person concerned was already a justice of the peace in New South Wales, and in the Australian Capital Territory. It was pointed out to me that the man already had the powers, rights, and privileges which he would acquire if he were appointed a justice of the peace in Western Australia, except that he could not sit on the bench.

I appreciated this point, but I argued that the man was in the position where he was likely to sign hundreds of documents as a justice of the peace, but that it would be ridiculous for him to sign summonses and various other documents in the State of Western Australia—which claims to be an advancing State—as a justice of the peace of New South Wales. My argument was conceded to and the person concerned was made a justice of the peace in this State.

I also realise that the appointment of a justice of the peace needs to be selective because the person concerned would have to sit on the bench if called upon. This does not happen very often in the metropolitan area, but it could happen in the case of a man who went to the north-west on a fishing trip. The local constable might have to make a charge and the justice of the peace could be called to sit on the bench. He would not be familiar with the law and could bring down a judgment which might have to be appealed against.

I ask the Attorney-General to use his influence so that members might have access to the conditions which apply to the appointment of justices of the peace. The information could be supplied in the form of a circular or, if it is deemed to be confidential, in a personal letter.

I support the Bill.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [9.57 p.m.]: I thank the member for Floreat for his brief comments relating to the provisions of the Evidence Act Amendment Bill. I appreciate the license you gave to the member for Floreat, Mr. Speaker, and I hope you will also allow me to exercise a little license in referring to the appointment of justices of the peace.

As the member for Floreat is aware, the appointment of justices of the peace is administered by the Premier's Department. The reason is probably historical in that a justice of the peace in the United Kingdom was originally called a keeper of the King's peace or a keeper of the Queen's peace. The King, or the Queen, was recognised as the head of the Government, and no doubt the Premier is recognised as the head of Government in this State. Accordingly, the Premier has the jurisdiction to appoint keepers of the peace, or justices of the peace.

I will refer the comments of the member for Floreat to the Premier, and I expect that he will receive a reply direct from the Under-Secretary to the Premier's Department. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

MR. HUTCHINSON (Cottesloe) [10.02 p.m.]: The simple purpose of the Bill is to legalise the game of bingo under certain conditions. The game will come under the control of the Lotteries Commission.

I suppose a number of people will view the legislation as evil, in that it legalises a form of gambling. As a result, they will be hotly opposed to it. A number of other people will feel the legislation imposes so many restrictions on the game of bingo, which is a fairly simple and innocuous game, that it is hardly worth while. People in between these two viewpoints will be largely apathetic about the whole matter. Personally I believe the conditions that will be imposed on the playing of bingo will virtually put the game into a fairly tight straight-jacket.

Let me mention some of the restrictions announced by the Minister. Permission from the Lotteries Commission will include limitations on the number of games, the number of hours for each session, and the number of permits to be available to each club or organisation. The commission will allow only religious bodies or charitable organisations to run games of bingo. It will fix a maximum amount of 10c as a charge for the cards. In addition it is intended to exclude any individual or organisation engaged in trading or giving its members pecuniary profit. Consequently there will be no chance of people turning the game to profitable ends. Furthermore, the game of bingo is not to be conducted on licensed premises, nor is it to be conducted on unlicensed premises where liquor is available.

As members can see, many steps are being taken to ensure the game of bingo does not become an evil, although some people will wish that permission for it to be played is not given under any circumstances. However, we on this particular side of the House have no objection to the legislation and believe it will form a part of the activities that can be lawfully controlled by the Lotteries Commission. From time to time funds will be raised for charitable organisations and religious bodies and, after all, these are sound purposes. I support the Bill.

MR. NALDER (Katanning) [10.05 p.m.]: I rise to oppose the legislation with all the vigour at my disposal. Where are we heading in this country? Already so many opportunities for gambling exist and I wonder what legislation will be introduced next.

Mr. McIver: Dog racing.

Mr. NALDER: Yes, dog racing. People will soon be training flies to go up the wall and betting on them.

Mr. Bickerton: Farming is gambling these days.

Mr. NALDER: Is farming gambling? Apparently the Minister has had some experience of this.

Mr. Taylor: He was asking a question, not making a statement.

Mr. NALDER: I will hear what the Minister has to say about this on another occasion. Those who wish to gamble have every opportunity to do so. They can use all their spare time to satisfy their needs in this regard. Opportunities exist in this State for people to gamble on every day of the week, from the beginning to the end.

Mr. Graham: Why not leave the decision to them? What right do you or I have to tell them?

Mr. NALDER: What right do we have? Legislation already exists for so many forms of gambling. Why should we want to introduce further forms?

Mr. Graham: Allow the people to make their own decision.

Mr. NALDER: Listen to the Deputy Premier! He has a whole host of legislation which will restrict people from doing this or that.

Mr. Graham: Point to one.

Mr. NALDER: A host of legislation controlling various sections of the community.

Mr. Graham: Point to one which I have.

Mr. NALDER: The Deputy Premier will have his opportunity.

Mr. Jamieson: He does not want an opportunity, but wants you to have it.

Mr. Graham: Words, words, words!

Mr. NALDER: It is quite obvious that members on the Government side want an open go for everything they introduce.

Mr. Davies: That is ridiculous.

Mr. NALDER: It is not.

Mr. Davies: Why don't we introduce one-armed bandits and go the whole hog?

Mr. NALDER: The way the Government is going this may be the situation. It is licensing anything that comes along and allowing people to engage in another form of gambling. The position today is that millions of dollars are won and lost on gambling.

Mr. Graham: Don't forget that you started the Totalisator Agency Board.

Mr. NALDER: That is right.

Mr. Graham: That is what you did.

Mr. Court: That was to get rid of a real evil.

Mr. Graham: Now the Leader of the Country Party is pontificating about gambling.

Mr. NALDER: It is amazing how members of the Government want us to accept without any opposition everything they propose.

Mr. Graham: What did you do about two-up on the goldfields?

Mr. W. G. Young: What did the Deputy Premier do?

Mr. Graham: We are not sermonising.

Mr. NALDER: We have come to a point where we should take stock of the situation in this country. It has already been said that in Victoria and other parts of the world bingo commands the attention of very many people to the extent that it is not in their best interests any longer. Surely to goodness we can take some notice of this.

Mr. Davies: What authority do you have for that statement?

Mr. NALDER: As a member of the community I believe it is my responsibility to stand and voice my objections to a proposal which I believe is not in the interests of any section of the community.

Mr. Bickerton: As Minister for 12 years you did nothing about it. Why didn't you do something when you were in Government if you are so opposed to gambling? Why weren't you against the T.A.B. and horse racing?

Mr. Jamieson: Because there was too much income for the Government.

Mr. NALDER: The Minister is becoming vocal.

Mr. Bickerton: Why be hypocritical and say you are against gambling when you are not?

The SPEAKER: Order! The Leader of the Country Party will address the Chair.

Mr. NALDER: On every occasion I voice my protest.

Mr. Bickerton: Why didn't you do something as Minister? We didn't hear your voice in the Chamber.

Mr. NALDER: I suggest the Minister should look back and find the number of occasions on which I have voiced my protest on this subject.

The SPEAKER: Order! The Leader of the Country Party will address the Chair.

Mr. NALDER: I thank you for your direction, Mr. Speaker. It is my intention to vote against the proposal. As I have said, I believe there are many opportunities for people to spend their leisure time and money in whatever way they wish.

Mr. Jamieson: In whatever way they wish so long as they do what you want.

Mr. NALDER: These opportunities exist under legislation which is already operative in this State.

Mr. Jamieson: Every way they wish!

Mr. NALDER: Of course they can. They can go to the races, the trots, or to betting shops.

Mr. Davies: They can buy charity tickets.

Mr. NALDER: Yes, people can buy lottery tickets if they wish. I repeat that the time has come for us to look at this situation. For the reasons I have mentioned I am opposed to the introduction of the legislation and I shall vote against it.

MR. W. A. MANNING (Narrogin) [10.12 p.m.]: A previous Premier of this State, The Hon. A. R. G. Hawke, very wisely prevented an accumulation of one-armed bandits throughout the State. At the time there were five or six in Western Australia.

Mr. Jamieson: Five or six!

Mr. Graham: There were 100.

Mr. W. A. MANNING: I had not realised there were so many.

Mr. O'Connor: He did not use them all.

Mr. W. A. MANNING: All the more credit to Mr. Hawke if he stopped the operation of a greater number of these machines. I remember very well that he did stop them and prevented any expansion.

Mr. Graham: It was the Licensing Court that stopped them.

Mr. Jamieson: I think I have seen the honourable member playing one of these machines.

Mr. W. G. Young: And lost on it.

Mr. W. A. MANNING: I can tell members it is easy to understand how people become fascinated and pull the handle down for hour after hour.

Mr. Jamieson: It took us three hours to get you away from it.

Mr. W. A. MANNING: Not quite that.

Mr. Jamieson: No wonder you are against them.

Mr. W. G. Young: I'll say.

Mr. W. A. MANNING: I agree there is a fascination about it. In fact, I have met many people from the Eastern States who have said that their relatives or husbands have spent all of their pay packets on one-armed bandits before coming home. This kind of example is not exceptional. We can see this by the amount of revenue which the State concerned takes from one-armed bandits. This indicates that many people are putting into them more money than they can afford.

Mr. Bickerton: Bingo will keep them away from the one-armed bandits.

Mr. W A. MANNING: I am remarking on the changed attitude on the part of the Labor Party from the time when Mr. Hawke was Premier to today. A deterioration has set in.

Mr. Graham: It was not Mr. Hawke but the Licensing Court which was responsible for banning them.

Mr. W. A. MANNING: I was giving the credit to Mr. Hawke and the Labor Party. Perhaps I am wrong and should not give them credit. I thought it was one thing which the Labor Government of the day accomplished.

We have to look at the proposal before us from various angles. Lately there have been loud cries to the effect that there is only a certain amount of money to be spent. We heard this cry when there was talk of extending shopping hours and it was suggested shops should stay open at night to provide a service to the people. We heard words to the effect that there is only a certain amount of money available to be spent and if shops stay open late they will not do any more business. It was stated that consequently we should restrict the hours when people can shop.

There is just not enough money to go around. Yet now the Government introduces legislation which says that one may spend one's money on bingo at any time of the day or night. Where is the consistency in that? There is none whatsoever. I think the Government must be a little consistent, especially when we consider the ease with which people can spend their money.

Mr. Graham: Is that their business or yours?

Mr. W. A. MANNING: It is their business, but it is the business of the Government to see that the people are protected to a certain extent. There is a Bill on the notice paper now for the protection of the public. Who is going to protect them—the Government? The Deputy Premier belies his own statement because his Government intends to introduce a Bill to protect the consumer, yet this Bill does not protect the consumer.

Mr. Bickerton: This Bill does not introduce bingo; it merely legalises it.

Mr. W. A. MANNING: Perhaps the Minister will rise and explain the difference.

Mr. Bickerton: There is a great difference. It is going on now. Why should it not be legalised?

Mr. W. A. MANNING: I would like to hear the Minister explain the real difference between introducing something and legalising something—which does not compel people to do it. If the shops are opened at night people are not compelled to shop. However, the Government is opposed to one but is granting the other. At the same time it intends to introduce a Bill for consumer protection. Surely we should have some consistency somewhere. I will not add anything further because I think I have said enough.

MR. DAVIES (Victoria Park—Minister for Environmental Protection) [10.17 p.m.]: I wish to support the Bill from the point of view of the benefit it will bring to the community. We appreciate the fact that for various reasons some people are opposed to gambling in any of its forms, and they are entitled to stand up and say so. I think we should acknowledge that at least they are being honest in their expression of opposition. However, I think they must be factual about the contents of this Bill. The member for Narrogin said this Government will allow bingo to be played at any time of day or night. That is not so. The measure controls the hours—

Mr. O'Neil: You are pinching the Minister's thunder.

Mr. DAVIES: —and the conditions under which people can play bingo. Also, a permit will be necessary for the playing of bingo.

Mr. W. A. Manning: If it is so good, why control it?

Mr. DAVIES: The member for Narrogin is now defeating his own argument: that if it is not controlled there may be some bingo orgies. Pensioners might stay up all night with their heads down listening to the numbers and spending another 5c—or 10c if they are really game to let their heads go—on another card. However, bingo is an innocent entertainment which may provide some benefit to the player and the organisation running it. It has been played fairly consistently in some of the southern suburbs for a number of years. I am told that it has been played also in some of the northern suburbs. It was introduced to a degree by English migrants. As I understand it, bingo is played fairly extensively in England, Wales, and Scotland.

To those people it is a good way of filling in an evening. As I said, I know it has been played fairly extensively in our suburbs; and I know of one fairly substantial building which was erected largely from the proceeds from bingo which was played on Friday nights from 10.00 p.m. to 11.30 p.m.—never before and never later, and at never more than 10c a card. The game has provided a regular income for one organisation, and not only that organisation but also the community at large has benefited from it.

I cannot see that this matter bears the slightest relationship to consumer protection because no-one will consume anything and no-one is compelled to play. People elect to play and it is up to the individual to decide when and how he should play. It is laid down in the Bill that the Lotteries Commission may set the conditions under which bingo may be played, and the price which is to be charged for cards. To the best of my knowledge this game has been played for a good number

of years in the metropolitan area and—once again to the best of my knowledge—no-one has finished up in a bankruptcy court as a result of playing bingo, nor has any family gone hungry as a result of the week's wages being wantonly wasted on this form of gambling.

I do not believe there is any danger in playing bingo. I believe it should be controlled as we propose. I believe it may do a lot of good; but at the same time I admire those who are against it for getting up and saying so. I am not against it.

MR. TAYLOR (Cockburn—Minister for Labour) [10.22 p.m.]: I would like to thank all those members on both sides of the House—and there are many of them—who contributed in some small way towards the debate on this small piece of legislation.

Mr. Graham: You are including the interjections?

Mr. TAYLOR: Yes, I include all those who took any part. I wish to cover quickly the comments of the member for Narrogin. He said that I was taking two sides; one on the matter of shop hours, and another on the matter of bingo. I would remind him that the matter of shop hours is my hat, but in regard to this Bill I am wearing the hat of the Chief Secretary.

Mr. O'Neil: I did not think you sounded very enthusiastic.

Mr. TAYLOR: This is not at all a large piece of legislation. It seeks only to tidy up a doubt in the attitude of authority to the playing of bingo. This is a game which is being played, and we all know it is being played. What attitude does authority take? Should we fine those who play? Should we go to extremes and gaol them, or should we somehow or other try to allow the game to be played in a reasonable manner?

Many people played this game under no restrictions at all before they came to this country and they, as well as many Australians, like to play bingo with no intention of making money but rather as an excuse to get together in a congenial atmosphere and to spend an evening in each other's company. It has been suggested by two speakers that this is not always the case, and several instances in other States were quoted. However, to ensure that the playing of bingo does remain as an interesting and enjoyable evening for those who wish to play, the Government has seen fit to legalise it and place it under the control of the Lotteries Commission.

The Bill does include restrictions, and these have been mentioned by the member for Cottesloe. He made the point that the wording of the measure is very tight. I think the only provision which is really tight is the limit of 10c a card. Other requirements are laid down about the number of permits that may be held and the number of hours in which bingo may be played upon obtaining the approval of the Lotteries Commission. I would say the commission will use its powers in the same manner as it uses its powers in connection with lotteries; that it will assess situations as they occur and tighten or ease the restrictions depending on whether or not people abuse the privilege.

Certainly, one of the major points in regard to this game is whether or not it is gambling. We will now have the Lotteries Commission to police matters and see that people do not get out of hand when conducting bingo games. I am sure the commission will control this matter in the same light in which it controls lotteries. There is one difference, of course, and that is that the State receives a return from lotteries, but it is not intended that the State should receive any return from the playing of bingo. As has already been mentioned, the Bill is a short one containing only one clause.

Mr. McPharlin: Will there be a charge for a license?

Mr. TAYLOR: That is not stipulated in the Bill. There may be a small charge, but so far as I am aware there is none at the moment. Certainly it is not the intention of the Government to take a proportion of the proceeds as is the case with lotteries. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

House adjourned at 10.26 p.m.

Legislative Council

Thursday, the 25th November, 1971

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

QUESTIONS (8): ON NOTICE

1. RAILWAYS

Transport of Wool to and from Albany

The Hon. S. T. J. THOMPSON, to the Minister for Railways:

(1) How many bales of wool have been railed to Albany since the introduction of a freight subsidy?

(2) How many bales of wool have been shipped from Albany since the commencement of the present season?

(3) (a) Has any wool been railed to Fremantle from Albany for shipment this season; and

(b) if so, how many bales?