

# Legislative Council

Tuesday, the 15th October, 1963

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

## QUESTIONS ON NOTICE

### PORT OF ESPERANCE

#### Operation Details

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:

Regarding the port of Esperance for the years—

1960-61;  
1961-62; and  
1962-63

will the Minister advise the—

- number of vessels that arrived at the port;
- aggregate gross tonnage handled;
- amount of cargo imported;
- amount of cargo exported;
- major items exported;
- harbour dues collected;
- revenue and expenditure; and
- excess, if any, of revenue over expenditure?

The Hon. A. F. GRIFFITH replied:

	1960/61	1961/62	1962/63
a)	28	36	31
(b)	59,315 tons	98,517 tons	107,108 tons
(c)	42,414 tons	55,984 tons	60,579 tons
(d)	16,901 tons	42,533 tons	46,527 tons
(e)	gypsum, copper concentrates, magnesite	gypsum, copper concentrates, magnesite, grain	gypsum, copper concentrates, magnesite, grain
(f)	£4,419	£7,761	£8,033
(g)	Revenue, £46,462	£56,624	£58,654
	Expenditure, £14,941	£17,224	£30,947
(h)	£30,511	£39,400	£27,707

2. This question was postponed.

## KALGOORLIE-ESPERANCE BUS SERVICE

### Increased Daily Service

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

- Is it the intention in the near future to increase the road bus service to a daily service between Kalgoorlie and Esperance?
- If so, when is it intended to commence?

The Hon. A. F. GRIFFITH replied:

- No.
- Answered by No. (1).

## EDUCATION FACILITIES

### Request from Scaddan Residents

4. The Hon. R. H. C. STUBBS asked the Minister for Mines:

What is the intention of the Education Department regarding the request from the Scaddan residents to provide education facilities for the 1964 school year?

The Hon. A. F. GRIFFITH replied:

It is the intention of the Education Department to open a new school at Grass Patch where settlement has expanded sufficiently in that area. This proposed school will cater satisfactorily for those children in the Scaddan area not served by the Esperance school bus.

## METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

### Third Reading

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

## CONSTITUTION ACT AMENDMENT BILL

### In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill:

### Clause 1: Short title and citation—

The Hon. A. F. GRIFFITH: This is the clause upon which I think I should address myself in reply to the remarks made by Mr. Wise during the second reading. Unfortunately, Mr. Wise is not well and is absent from the Chamber this afternoon, and therefore it is not my intention to take advantage of his absence. However, if the Committee will accept my explanation and this memorandum I propose to read, and the Bill passes through Committee, I give the assurance that I will not move the third reading tomorrow. This

will give Mr. Wise an opportunity to raise any further point he desires if he is not happy about what has transpired in the Committee stage this afternoon. If it so happens he is not well enough to be present in the Chamber tomorrow, I can assure Mr. Willesee that I will postpone the Bill further until Mr. Wise is able to be present.

I consulted Mr. Walsh, the Chief Parliamentary Draftsman, and Mr. D. Sander, the Assistant Parliamentary Draftsman, who was responsible for the drafting of this Bill, and in order that it may be recorded in *Hansard*, the following is the memorandum which Mr. Sander presented to me:—

Hon. Minister for Justice (Mr. A. F. Griffith):

This advice refers to the "Constitution Act Amendment Bill" that is presently before the Legislative Council.

The purpose of the Bill is to incorporate in the Constitution Act, 1889, the provisions of the Constitution Act Amendment Act, 1900, which, by section one, provides that it "be read and construed as one with the Constitution Act, 1889 . . . ."

From this it will be seen that no actual "home" in the principal Act was given to sections two and three of the 1900 amending Act and the Bill now before the Council repairs that omission, by incorporating those two sections in the principal Act.

Subject to my observations made in relation to another Bill now before the Council, namely, the Constitution Acts Amendment and Revision Bill, I am able to certify that the Bill under consideration makes no change to the Constitution Act, 1889, other than to incorporate therein the provisions of the Act of 1900, and I advise that you may properly and safely give your assurance to the Legislative Council in that regard.

D. Sander,

Assistant Parliamentary Draftsman.

I will also regard this memorandum as a certificate which will be laid upon the Table of the House. I hope that fulfils the wishes of Mr. Wise; and I can only repeat that if Mr. Willesee will advise the honourable member what has transpired, he can assure him that it will not be too late to satisfy him in some other manner.

The Hon. W. F. Willesee: He will probably be present tomorrow.

Clause put and passed.

Clauses 2 to 5 put and passed.

Title put and passed.

#### Report

Bill reported, without amendment, and the report adopted.

## CONSTITUTION ACTS AMENDMENT AND REVISION BILL

### In Committee

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

#### Clause 1: Short title and citation—

The Hon. A. F. GRIFFITH: In the same way as I made an explanation of clause 1 of the Constitution Act Amendment Bill, I think this is also the appropriate stage to make a similar explanation in regard to this measure. Mr. D. Sander, the Assistant Parliamentary Draftsman, has addressed the following memorandum to me in connection with the Bill:—

Hon. Minister for Justice (Mr. A. F. Griffith):

This advice refers to the "Constitution Acts Amendment and Revision Bill" that is presently before the Legislative Council.

The primary purpose of the Bill is to enable the provisions of the several Acts mentioned in the schedule to be found a "home" in the Constitution Acts Amendment Act, 1899-1962. These Acts were so drawn that, while their provisions affected the principal Act and also the Constitution Act, 1889, those provisions were not actually incorporated as sections, or parts of sections, in either of them. It was considered apt to include them in the reprint of the Constitution Acts Amendment Act, rather than in that of the 1889 Act, as the former, on the face of it, purports to be an amending and consolidating Act.

Adverting to the amendments appearing in clauses four to eight, inclusive, of the Bill, it will be seen that the provisions of clauses five and seven are intended to bring the Act into accord with reality, for the provisions of sections six and nineteen of the Act have long ceased to apply. This change gave rise to the consequential amendments that are provided by clauses four and six, because the provinces and districts would no longer be "hereinafter stated and defined", if the Bill were to become law.

Clause eight removes the anachronism that would follow a reference to "the Colony" and to an Act of 1947, both in the same Statute.

Finally, the repeal of the second schedule which set out the boundaries of the Assembly districts that are stated in section nineteen, necessarily follows on the amendment of that section, as discussed above.

These amendments are the only amendments to the Act that would flow from the enactment of the Bill

and I am able so to certify and to advise that you may properly and safely give your assurance to the Legislative Council in that regard.

D. G. Sander,  
Assistant Parliamentary Draftsman.

No other explanation is necessary, except to say that this Bill is similar in its action and intention to the Bill just dealt with.

Clause put and passed.

Clauses 2 to 10 put and passed.

Schedule put and passed.

Title—

The Hon. A. F. GRIFFITH: I omitted to point out that I would like the certificate of the Assistant Parliamentary Draftsman which I have just read out, as well as the certificate relating to the previous Bill, to be laid on the Table of the House.

Title put and passed.

The certificates were tabled.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 5.17 p.m.

## Legislative Assembly

Tuesday, the 15th October, 1963

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

### QUESTIONS ON NOTICE

#### WATER SUPPLY IN MANDURAH-YUNDERUP AREA

*Depth of Bores, and Quantity of Water*

1. Mr. RUNCIMAN asked the Minister for Water Supplies:
  - (1) What are the depths of the three bores drilled in the Mandurah artesian basin?
  - (2) What quantity of water was obtained and what was the analysis of each bore?

Mr. WILD replied:

- (1) Bore No. 1—2,005 feet.  
Bore No. 2—565 feet.  
Bore No. 3—684 feet.  
Bore No. 4—325 feet (10th October, 1963).