

operations. I draw attention to section 20 of the Act. Subsection (1) states—

Subject to subsection (2) of this section, a person shall not, on or after the appointed date, sell or deliver linseed to any other person except the Board.

So, the provision is explicit. Then subsection (2) states—

Subsection (1) of this section does not apply to linseed that has previously been purchased from the Board or that is sold or delivered with the written approval of the Board.

So, provision is made in the Act to cover negotiations or transactions outside the scope of the board. For that reason amendment No. 3 made by the Council is meaningless. It specifies a particular situation, when that situation is already covered by the Act in a general way.

In the parent Act it was intended that these operations be permitted, so that sales from one grower to another could take place without the transactions having to be put through the board. The provision is still in force, and could be applied to the local producer situation.

However, the amendment of the Council is in no way detrimental to the legislation and does not affect the operation of the Act. I therefore move—

That amendment No. 3 made by the Council be agreed to.

If the Legislative Council desires to be pedantic and clutter up the Bill, it is all right with us. We are certainly achieving what we want to assist the growers, which is the main consideration of the exercise. There is no objection from this side to this amendment.

Mr. Court: I should hope not.

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

Report

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bate-man) in the Chair; Mr. Thompson in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 2, page 2, line 3—Insert before the word "by" the paragraph designation "(a)".

No. 2.

Clause 2, page 2—Add after line 4 the following passage—

(b) by adding after the word "land" in line 9 the words:—
but no structure or device shall be deemed to be a compliance with this requirement unless the structure or device is of a sort approved and described by the Minister

Mr. THOMPSON: I echo the remarks of the Minister for Agriculture about cluttering up an otherwise well-drafted piece of legislation. I do not consider this amendment is necessary, but I am prepared to accept it. I therefore move—

That amendment No. 1 made by the Council be agreed to.

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

Mr. THOMPSON: I move—

That amendment No. 2 made by the Council be agreed to.

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

Report

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. GRAHAM (Balcatta—Deputy Premier) (1.04 a.m.): I move—

That the House at its rising adjourn until 11.30 a.m. today (Friday).

Question put and passed.

House adjourned at 1.05 a.m. (Friday).

Legislative Council

Friday, the 10th December, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.30 a.m., and read prayers.

ADDRESS-IN-REPLY

*Presentation to Governor:
Acknowledgement*

THE PRESIDENT (The Hon. L. C. Diver): I have to announce that, in company with several members, I have waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply:—

Mr. President and Honourable Members of the Legislative Council: I thank you for your expressions of

loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.35 a.m.]: Mr. President, I ask that questions be postponed to a later stage of the sitting.

The **PRESIDENT**: Very well.

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1. Marketing of Linseed Act Amendment Bill.
2. Local Government Act Amendment Bill.

ENVIRONMENTAL PROTECTION BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Definitions—

The Hon. W. F. WILLESEE: I move an amendment—

Page 2, line 20—Insert after the passage "land," the passage "and the coastal waters, sea-bed and subsoil adjacent thereto".

The offshore limit in respect of this Bill depends on the meaning to be given to the word "environment" in clause 4, and in particular to the phrase "in the State" in that definition. Until recently there would have been no doubt that those words were competent to embrace coastal waters to a distance of three miles from the land, including offshore islands. This view is still held by the Government, and it is believed that the State should continue to assert that position.

However, it must be recognised that the Commonwealth authorities, supported by the views of two justices of the High Court, now proceed on the basis that the territory of the State ends at the low water mark. Sooner or later the problem will be solved one way or the other in the High Court; but in the meantime, in order to remove any doubt as to the reach of the legislation, we consider it desirable that the definition of "environment" be amended. The amendment will empower the council to make proposals affecting the environment even beyond the three-mile limit if considered necessary. I understand further discus-

sions were held recently in the matter of the Commonwealth jurisdiction of shore-lines. The question will surely be resolved, but in the meantime it is proposed to amend the definition.

The Hon. G. C. MacKINNON: The problems relating to coastal waters were well known to me when I held the portfolio of Fisheries and Fauna. I realise the difficulties we faced and still face in trying to avoid certain judicial situations which might arise in any action; and because of the complexity of these problems Mr. Griffith is also aware of the difficulties of the jurisdiction over offshore waters and the adjacent sea-bed.

I think we should accept the amendment before us because not only does it underline in this Bill the desirability of State control over and State interest in the coastal waters, sea-bed, and subsoil adjacent thereto, but it also gives accent to what the position should be under many other Acts—such as the Mining Act, the Fisheries Act, and others.

As part of the environmental question the use of the leisure hours of people is involved; and in turn the use of the adjacent coastal waters may affect the leisure hours of those who engage in fishing and water sports of all types.

The Hon. I. G. MEDCALF: I support the proposal to amend this clause, but I would draw attention to the situation which I believe should be rectified in a way other than that suggested by the Leader of the House. He has pointed out the differences of views of the Commonwealth authorities and the State authorities over the question of ownership of the adjacent sea-bed.

This is a matter on which I personally, together with a number of other people have held definite views for quite some time. Members may recall that the subject of the adjacent sea-bed arose in the last Parliament in connection with historic wrecks. At the time I asked Mr. Dolan whether he would investigate the conflicting laws between the Commonwealth and the State on the question of ownership of wrecks.

Following that, certain proposals were made by the then Prime Minister (Mr. Gorton). They appeared to reflect his personal view that the matter should be decided in the High Court between the Commonwealth and the States. It was not the view of those of us who believed that this was clearly a matter of negotiation between State Governments and the Commonwealth. It seems to me to be invidious that the money of the taxpayers should be spent on High Court proceedings involving the State Government and the Commonwealth, and that we should have to pay both ways.

The Hon. A. F. Griffith: It was never the view of any State Government that the matter should be settled by the High Court.

The Hon. I. G. MEDCALF: No; apparently it was the view of Mr. Gorton and a few others in the Federal Parliament. Nevertheless, the question of deciding the dispute in the High Court did not receive any sympathy from any thinking citizens.

I was rather perturbed to hear the Leader of the House say that this matter would ultimately have to be determined by the High Court. I would have thought this was a matter which was eminently suitable for negotiation between State Governments and the Commonwealth Government. I can see no reason why the dispute cannot be ironed out, just as the dispute in respect of the offshore oil legislation was ironed out some two years before.

I support the amendment before us, but I would point out that I do not regard it as a suitable matter for dispute between Governments, particularly when it involves an unnecessary expenditure of public money. The dispute ought to be resolved by negotiation.

The amendment clearly asserts the State's claim of sovereignty of the coastal waters, sea-bed, and subsoil adjacent thereto. I am pleased the State Government has at last seen fit publicly to assert its sovereignty and declare that the doubts, which it did not believe existed, should be cleared up. The doubts clearly existed, and there have been difficulties over this question. I believe the State Government is the right authority to have control over this area.

In the past one of the problems was that the State Government did not exercise its control in certain respects. If a State does not exercise its control it invites some other authority, which is prepared to exercise control, to come in. I think that was what happened previously.

I believe it is important that Western Australia assert its authority as a State, and that it exercise this authority as a State; because if we were to neglect the environmental control of the adjacent seabed we would invite the Commonwealth to come in and tell us what should be done.

I support the amendment, but issue a note of caution. I trust that wiser counsel will prevail before we decide to settle our differences with the Commonwealth through the High Court. I suggest we settle our quarrel with the Commonwealth by negotiations around the table.

The Hon. A. F. GRIFFITH: I could occupy a great deal of the time of the Committee in speaking on this subject, but I do not propose to do so. I endorse the remarks of Mr. Medcalf. In the years that I have been in this Parliament my name has not been mentioned more in the

Commonwealth Senate than at the time the Commonwealth was dealing with the offshore minerals legislation when it appointed a Select Committee. In view of the fact that I was chairman of a committee which comprised the representatives of the States and the Commonwealth that dealt with the question of offshore minerals, the interpretations that were placed on what I had said arose very often. The attitude of the then Prime Minister seemed to be that the only satisfactory way to solve this problem was to get the High Court to determine the issue; and, having determined the issue, to leave it open to the States to take on the Commonwealth and have the law disproved, if it could be disproved.

As two judges of the High Court of Australia had already expressed opinions in favour of the fact that the Commonwealth has control over the sea-bed from the high water mark, it occurred to me that the States might not come out of this very well.

Every State, including Western Australia, expressed the view to the Commonwealth that the only satisfactory way to solve this problem was to get together and arrive at an agreement; that the legislation should be introduced by the Commonwealth; and that the States would introduce whatever complementary legislation it was necessary for them to pass. The Commonwealth dropped the Bill, because the pressure was so great. The States felt very keenly about this question.

I hope I have misinterpreted the remarks of the Leader of the House, and that there is not the slightest suggestion that the present Government in Western Australia will do other than continue to join forces with the other States in an endeavour to get the Commonwealth to come to some arrangement, rather than have the matter litigated before the High Court. I know that is the point of view which Mr. Medcalf, as a professional man, has held.

I repeat: I would like to be reassured that, in fact, the present State Government will continue to follow the role previously adopted. The opinion of every State Government at the time was that an agreement was the only satisfactory way to solve this problem and I would be very disturbed to think there was any slackening at all in the attitude of the present Government.

Mr. MacKinnon said he had some experience on the question of fisheries and he mentioned that I had some experience in relation to the sea-bed and mining. However, it is not only that. All the laws of the nation are involved, including the Criminal Code. I think the expression used by the Federal Attorney-General was that the High Court should determine this issue once and for all. Of course the High Court would not settle it

once and for all. There would be everlasting litigation between the Commonwealth and the States, and between citizen and citizen, regarding the interpretation of the law. If agreement is reached between the Commonwealth and the States and somebody decides to challenge the law that is a different matter. As least the States and the Commonwealth will be together, and not apart.

The Hon. W. F. WILLESEE: I am indebted to those who have spoken to the amendment, so much so that I intend to put the viewpoints expressed before the Minister concerned. Those viewpoints will be taken to the highest level.

I would point out that quite recently the States and the Commonwealth formed an Environmental Protection Council and the formation of that council lends great hope to the wish that we will not reach the point of solving the controversy in the High Court. However, I had to draw attention to that possibility, and make members aware that that would be a likely ending to the situation.

I can assure members every effort will be made to prevent such a decision having to be made at the High Court level. Those hopes lie in the recent combining of the States and the Commonwealth on the Environmental Protection Council.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Environmental Protection Authority—

The Hon. G. C. MacKINNON: I move—

Page 5, line 11—Insert after the word "shall" the words "be subject to the Minister and".

It will be recalled that I spoke on this subject during the second reading stage of the Bill. There is the question whether the ultimate responsibility will clearly rest with the Minister in charge of the Act. The opinion of members who have spoken on innumerable matters over the years has always been that the ultimate responsibility must always be with the Minister. The Minister is answerable to Parliament, and to the electors, and because of this there should be no doubt that he has the ultimate responsibility. The insertion of the words proposed will make it abundantly clear that the Minister is responsible.

The Hon. W. F. WILLESEE: I have no specific argument to raise against the proposed amendment. On the other hand, I do not think it is necessary, and the Minister for Environmental Protection has advised me that he does not think it is necessary. There will be consultation with other Ministers throughout the operation of the Act. The inclusion of the words "subject to the Minister" is unnecessary

because the machinery of the legislation is such that it will be subject to the Minister as it stands.

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

Ayes—11

| | |
|----------------------|------------------------|
| Hon. V. J. Ferry | Hon. I. G. Medcalf |
| Hon. A. F. Griffith | Hon. R. J. L. Williams |
| Hon. Clive Griffiths | Hon. P. D. Willmott |
| Hon. J. Heltman | Hon. D. J. Wordsworth |
| Hon. G. C. MacKinnon | Hon. W. R. Withers |
| Hon. N. McNeill | (Teller) |

Noes—14

| | |
|----------------------|------------------------|
| Hon. R. F. Claughton | Hon. T. O. Perry |
| Hon. D. K. Duns | Hon. R. H. C. Stubbs |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. Lyla Elliott | Hon. S. T. J. Thompson |
| Hon. J. L. Hunt | Hon. F. R. White |
| Hon. R. T. Leeson | Hon. W. F. Willesee |
| Hon. L. A. Logan | Hon. S. J. Dellar |

(Teller)

Amendment thus negatived.

Clause put and passed.

Clauses 10 to 16 put and passed.

Clause 17: Constitution of Council—

The Hon. L. A. LOGAN: I move an amendment—

Page 10, line 3—Delete the word "seven" and substitute the word "six".

I have received a request from the three local authority organisations for greater representation because of the great amount of responsibility they will face under this Bill. They requested me to ask for three representatives of local government. I studied the present Bill and the previous one and came to the conclusion that it was fair and reasonable to ask for two representatives of local government. My first amendment seeks the deletion of the word "seven" and the substitution of the word "six," but I must give my reasons because of my second suggested amendment.

Because of the great responsibility that will be placed upon local government under this Bill when it becomes an Act, I believe there should be further representation of local government. There was no complaint about the previous Bill, which provided for only one representative of local government and six representatives of Government departments. This Bill provides for seven representatives of Government departments. I think it is reasonable to leave it at six representatives of Government departments and provide for another representative of local authorities.

The Hon. W. F. WILLESEE: I think the honourable member addressed himself more to the second part of his amendment than to the first part. I would like to deal with them as they are set out on the notice paper. At the moment we are dealing with the question whether we should reduce the number of representatives of Government departments by one. I am told it is important that we retain the number set out in the Bill because it

accords with the provisions that have been made in this type of legislation by the other States.

I believe that in reducing the number of representatives of Government departments by one and increasing the number of representatives of local government by one we would be doing a disservice to the principle contained in the Bill. I ask the Committee to retain the present situation and to debate the merits of the honourable member's second proposed amendment when we have dealt with the first. I do not think we would gain anything by reducing Government representation and increasing local government representation on a *quid pro quo* basis. I think as regards governmental representation the legislation should remain on the same basis as the legislation in other States.

The Hon. G. C. MacKINNON: I see no real connection between the two proposed amendments because the size of the council has not been absolutely determined. We must therefore deal with the proposed amendments separately. I must agree with the Leader of the House, although I am a little surprised that he would not accept an amendment which would make it absolutely clear that the Minister is the person responsible when, at the same time, he wants to ensure that all the Government departments are represented.

We had this same problem in framing the previous Bill. There can be a great deal of conflict of interest and responsibility. I think it is essential that Government departments and the leaders—who must be the leaders of the Government departments—should have access. Obviously, there could be a conflict of interest between the Department of Fisheries and Fauna and the department responsible for harbours and rivers, and between the Mines Department and the Department of Fisheries and Fauna. These conflicts should be ironed out in the council. It is therefore necessary that those departments should be represented in order that the conflicting interests and responsibilities can be debated thoroughly. I therefore agree that departmental representation should remain at seven, and I also think it should be subject to the Minister, but perhaps I did not push that amendment hard enough.

The Hon. L. A. LOGAN: I point out to Mr. MacKinnon that the Bill for which the Government of which he was a Minister was responsible, provided for only six representatives of Government departments.

The Hon. A. F. Griffith: Were you not also responsible?

The Hon. L. A. LOGAN: I did not want to increase the number on the board and I thought this was a fair and reasonable approach. I do not mind which way it is done. If we leave Government representation at seven and the Chamber agrees to

increase local government representation to two, we will have to recommit the whole Bill.

The Hon. W. F. Willesee: I do not think so.

The Hon. L. A. LOGAN: I do not mind the departmental representation remaining as it is if provision is made for another local government representative. I am prepared to leave it at that, and move my second amendment.

The Hon. G. C. MacKINNON: Mr. Logan reminded the House that the previous Bill provided for six representatives of Government departments. I thought I made it abundantly clear in my speech on the second reading that I have never thought a Bill presented to this House was the be-all and end-all of a matter. Ten minutes after the Bill has gone through one could feel we might be better off with an extra representative. Mr. Logan will recall the problems we had in regard to another item in this group which differs from the previous Bill, probably because the present Government has had the advantage of looking at the file and deciding, "The previous Government had difficulty about that one, so we will add another representative." That is fair enough.

During the second reading debate I made it clear my attitude was that as long as I live I will never believe that the abandonment of the first Bill was anything more than false pride, because amendments can be made from year to year as they are found necessary. There is nothing in the present Bill that could not have been put into the old Bill as and when necessary. We have had the advantage that Dr. O'Brien is dealing with what everyone says is a vital problem, yet no-one seems to think it is a vital problem. The attitude is, "Let it go for another 12 months. We are only paying a director."

I do not think it is all that important and I do not feel we should reduce the number from seven to six even though the legislation that we initiated provided for six members.

The Hon. W. R. WITHERS: The Leader of the House has said it is necessary to have seven members from State Government departments. Could he tell us what the schedule of representation is likely to be?

The Hon. W. F. WILLESEE: Ultimately this is a matter for Cabinet to decide but at the moment it has not determined the representation from the Government departments. In opposing Mr. Logan's amendment I am not committing myself to agreeing to the second amendment. I will oppose that also.

Amendment put and negatived.

The Hon. L. A. LOGAN: I move an amendment—

Page 10, line 6—Delete the word "one" and substitute the word "two".

Because of the tremendous responsibilities reposed in local authorities in connection with environmental protection, I think it is fair that they should be represented by more than one member. I know there is going to be a member from each organisation. At the moment we have three organisations plus four councils with members on all of them. This includes the two largest local authorities—the City of Perth and the Shire of Stirling. It also includes the City of Fremantle. Local authorities have as big a job to do as have the Government departments, and I think it is time the Government recognised this in a more tangible form.

The Hon. W. R. WITHERS: I support Mr. Logan. The State is far too large to be represented by one member on an authority as big as this. There were three local government representatives on the reserves advisory council which was appointed by the Minister for Lands in the previous Government. There was one representative from the north of the State, one from the south, and one representing the metropolitan area.

We should really have three local government representatives, but I think we could get away with two. We certainly could not get away with one. If there were one representing the north and one representing the metropolitan area in the southern part of the State, we would have a far better balanced board. I support the amendment.

The Hon. W. F. WILLESEE: I appreciate the desire of members to add to the local government representation on this authority, but I would remind members that the mining industry—which is certainly a most important industry—has but one representative. This industry covers the entire State and is a vast enterprise. There is only one representative for primary industry and one for secondary industries. I believe Mr. Logan has his priorities out of context in seeking to provide additional representation for local authorities.

This Bill deals with environmental protection as it applies to the entire State. I feel it would be sufficient for one representative of local government to put forward any views which might be expressed by the local authorities. These views will not be in isolation but will be applicable to Western Australia as a whole. Accordingly I oppose the amendment. There is certainly a lot of goodwill behind the move but it is not practicable in the light of the Bill.

The Hon. G. C. MacKINNON: In the ultimate I do not think this matter is of vital concern. What worries me about the Bill is that the industries seem to be tied down without proper control, and without proper use of analytical procedures and the like. One of the difficulties in getting a council together is to ensure that

it meets regularly, and I do not think much of the suggestion that we should have one representative from the north, one from the south, one from the east, and one from the west.

The Hon. L. A. Logan: That was not my suggestion.

The Hon. G. C. MacKINNON: I appreciate that, and I am slightly exaggerating the suggestion made by Mr. Withers. This aspect has been considered but I do not think it will work in these circumstances. It is not really worth worrying about because such an amendment could be made if and when necessary. The other aspects in connection with industry—those to which I have already referred—are, I think, vital.

The Hon. W. F. WILLESEE: If Mr. Logan will look at clause 27 of the Bill he will see that the council can form committees which, of course, is a delegation of authority and could apply to a particular area. This would cover the problem raised by Mr. Logan.

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

Ayes—7

| | |
|------------------------|-----------------------|
| Hon. L. A. Logan | Hon. W. R. Withers |
| Hon. T. O. Perry | Hon. D. J. Wordsworth |
| Hon. S. T. J. Thompson | Hon. J. Heitman |
| Hon. F. R. White | (Teller) |

Noes—18

| | |
|----------------------|------------------------|
| Hon. R. F. Cloughton | Hon. R. T. Leeson |
| Hon. D. K. Dans | Hon. G. C. MacKinnon |
| Hon. S. J. Deilar | Hon. N. McNeill |
| Hon. J. Dolan | Hon. I. G. Medcalf |
| Hon. Lyla Elliott | Hon. R. H. C. Stubbs |
| Hon. V. J. Ferry | Hon. R. Thompson |
| Hon. A. F. Griffith | Hon. R. J. L. Williams |
| Hon. Clive Griffiths | Hon. F. D. Willmott |
| Hon. J. L. Hunt | Hon. W. F. Willesee |
| | (Teller) |

Amendment thus negated.

The Hon. W. F. WILLESEE: I move an amendment—

Page 10, lines 11 and 12—Delete the words “by the Crown in right of the State” and substitute the passage, “under and subject to the Public Service Act, 1904”.

In moving this amendment I mention that the change proposed is desirable in order to ensure that council representation under clause 17 (1) (b) (iii) should not exclude the possibility of experts employed in such organisations as the university or the Museum being selected for membership of the council. It is believed that it will be quite difficult to find people who actually have special knowledge of, or experience in, environmental protection.

In submitting the amendment, I suggest that the scope of the exclusion entailed in the words “by the Crown in right of the State” which appear in the existing paragraph is too wide for all practical purposes, bearing in mind the high qualifications which will be sought in council members-elect.

The Hon. G. C. MacKINNON: I can distinctly recall, when I was Minister, having the same worries myself and ringing the Crown Law Department only to be told that the words "by the Crown in right of the State" would in fact cover the university people, because the man whom I think would come to everybody's mind as being competent to fill this place would be Professor Bert Main. I think the Government would be wise enough to get him in the same way as we tried to obtain his services. However, it is a legal matter and the Committee would be wise to hear Mr. Medcalf on the point to allay any of the worries we may have.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 18 to 25 put and passed.

Clause 26: Interest and records—

The Hon. G. C. MacKINNON: Members will recall that the detail in this provision was not in the previous measure introduced. Of course, it is very difficult to imagine a matter of environmental protection in which people do not have an undisclosed pecuniary interest. It will be difficult to determine. I am wondering whether the provision will not lead the Government into some difficulty. Being too specific, the provision, if it were challenged, might create some problems. When we consider the clause we have just dealt with and the fact that the run-off of water, salt water, and many other matters would have to be considered, an economic analyst would be required to decide whether a man had a pecuniary interest in it or not. I do not intend to do anything about it, but it may be as well, for the Bill to work effectively, to delete this provision at some time in the future, bearing in mind that the type of man who will be on the council will be one we can trust.

I have never been enamoured of this type of clause. I believe it is a hangover from when people could not read and write and could not understand what was going on.

The Hon. W. F. WILLESEE: I accept the remarks made by Mr. MacKinnon. The point is well taken. I can assure him that this clause will be closely watched during the operation of the legislation. As he says, if it is found to be unnecessary it can always be deleted in the future.

Clause put and passed.

Clauses 27 and 28 put and passed.

Clause 29: Functions of Authority—

The Hon. F. R. WHITE: I had intended to speak to clause 30, but I believe this is the appropriate clause on which I should make my comments. During the second reading debate I pointed out that in addition to the authority there was a committee and a department. I question the

operation of these three groups working in relation to each other. I draw the attention of members to paragraphs (b) and (c) relating to the functions of the authority. During the debate on the second reading I asked whether the authority would utilise the services of the committee and the department to arrive at a final decision but the Minister did not answer my query when he replied to the second reading debate.

So I take this opportunity to ask the Minister the same question again: Is it reasonable to assume that the environmental protection authority would, firstly, avail itself of the services of the environmental protection committee and the department of environmental protection and, having done so, would it consider the representations from this source before submitting on any question a final report which the Parliament or the Government had requested?

The Hon. W. F. WILLESEE: I direct the honourable member's attention to clause 12 which, in essence, answers his question.

The Hon. F. R. WHITE: With due respect I do not believe that is any reply at all. Clause 12 merely says that the authority can be assisted by these people. I want to know whether the authority will avail itself of that assistance and whether the authority will take due cognisance of the assistance before it makes a final report on any subject referred to it by Parliament and/or the Government. It appears to me that the authority, may, if it so desires, make a report in its own right without necessarily having to go to those other organisations and without necessarily having to utilise any other information supplied.

The Hon. W. F. WILLESEE: May I make it explicit and clear once and for all that as far as I understand the Bill the authority would have to do just what the honourable member desires.

The Hon. F. R. WHITE: That is what I was trying to ascertain. The Minister has virtually stated that it will be mandatory for the authority to utilise other assistants and information supplied before finally making its report.

Clause put and passed.

Clause 30: Powers of the Authority—

The Hon. A. F. GRIFFITH: In view of what the Minister has said, how does he think the Government will interpret subsection (2) of this clause?

The Hon. W. F. WILLESEE: I think this applies to any other department. It does not apply to the authority itself. Therefore the authority has the power to use any other department.

The Hon. A. F. Griffith: If the Minister controlling that department says it can,

The Hon. W. F. WILLESEE: I think the Minister in charge of this legislation would be a very responsible person and would do just that.

Clause put and passed.

Clauses 31 to 38 put and passed.

Clause 39: Governor's approval—

The Hon. G. C. MacKINNON: Members will recall that this clause was discussed by both Mr. Medcalf and me. Under this provision the Governor may accept or, by not accepting, reject. No authority is given to vary. I do not recall the Minister giving us a very comprehensive explanation of this provision and I am wondering whether he can do so now.

The Hon. W. F. WILLESEE: It is true I did not give a detailed reply because I thought the matter would be raised again in Committee and also because I took the view that Mr. Medcalf's remarks were made by way of comment. However, I will seek to clarify the position.

The role of Government in formulating a policy is considerable. Firstly, under clause 38 the authority must consult with such public authorities and persons as appear to the authority to be likely to be affected and as the authority considers requisite. Secondly, the Minister can direct that a policy be reviewed; that is, under clause 41. Thirdly, in so far as important policies may well be referred to the council for its deliberations, under clause 34(1)(a), there is strong departmental representation on the council by senior staff and it is clear there will be no continual consultation by departmental members with their respective Ministers.

That, in a nutshell, is the answer. Once a proposition is put before the Government the only decision to be made is whether it should be rejected or accepted. It would not be the role of the Government to make a variation. The authority would have already looked very closely at the matter.

The Hon. I. G. MEDCALF: It is true my remarks were merely by way of comment. I do not think I specifically objected to the inability of the Government to vary the proposals. I said there was a degree of inflexibility about it. The Government might not want to accept all the proposals and if so the whole lot would have to go back to the authority which would have to go through the entire procedure again. That really was the basis of my objection. I believe it is right that the authority should take a long time to make a decision, and as a particular subject would have been closely scrutinised by the authority, it is not likely the Government would desire to vary the submission. On the other hand, the possibility does exist that the Government might desire to make a small variation in

the light of changing circumstances. However, under the provision, no flexibility exists. The Government cannot make a variation, but must refer the matter back to the authority for reconsideration through the same channels as before.

The Hon. G. C. MacKINNON: Wouldn't this be more likely because of the long procedure necessary?

The Hon. I. G. MEDCALF: That is so, but I do not know how the procedure could be shortened. This is the problem which I see. If the second procedure were a quick one, that would overcome my objection, but it seems the second procedure is to be initiated in the same way as the first. A start is made, again, by declaration. Clause 37 lays down how a start is to be made and it will be necessary to go right through the procedure allowing time for public scrutiny. Even with the amended proposal, I do not think it would be possible to cut out the scrutiny on the second occasion. If it could be done away with I would like to be informed.

The same appeals could come before the environmental appeal board for a second time—appeals which already would have been heard a first time. That is the problem as I see it but I do not wish to labour the point.

The Hon. W. F. WILLESEE: The point at issue is that the question would be a major one which had been considered for a long time. It would be a matter of intense public interest. Deliberations would be on a step by step basis in consultation with the Minister in charge of the legislation. He would be aware of the progression of the investigation through all its stages.

From what has been said one could imagine that he may pick up a brief written to him and say, "I recommend" or "I say no." This will not happen. The fact of the matter is that he will be part and parcel of a series of negotiations and be aware of every stage. I think clause 38 covers the situation very well.

At the time something is submitted for Government recommendation the Minister in charge will be fully aware of all the pros and cons and, in the ultimate, it will be a Government decision as to whether or not action is implemented. Since assurances are written into the measure it is felt we should not have an in-between decision at the end of a final decision.

The Hon. I. G. MEDCALF: I frankly do not see that clause 38 is the answer to the problem. As I read it, I understand it to mean that the authority can advise proposals at the request of the Government but those proposals still have to be submitted to the same procedure. I refer the attention of members to subclause (2) of clause 38.

It is a minor point I have raised but matters concerning the environment are so important I believe there should be some way of having a slightly more flexible method of dealing with a submission which the Government may wish to reject in part and accept in part. Perhaps the Government could wish to accept nine-tenths of a proposal, but make a variation to the balance. This cannot be done; it is necessary to start all over again. In the meantime what happens to the environment?

I am not trying to suggest the Government should sabotage the environmental appeal board but the Government should have the power to accelerate the process if it is happy with, say, nine-tenths of a proposal and willing to accept it, but has reservations about the rest. As I have said, this cannot be done.

I do not want to labour it any further because I do not criticise the general procedure. I have merely made the comment that there is a lack of flexibility and I hope on some future occasion it can be taken care of.

Clause put and passed.

Clauses 40 to 43 put and passed.

Clause 44: Environmental Appeal Boards—

The Hon. G. C. MacKINNON: Members may recall when I spoke to the second reading I said that on the first couple of occasions I had read the clause I took it for granted that the president would be a legal practitioner of not less than seven years' standing. I thought the idea was to have continuity through the president, and that a variation dependent upon a particular subject being examined would rest with the other two members of the appeal board.

It was not until I analysed it carefully that I realised this is not, in fact, spelt out in the clause. Therefore, I intend to move an amendment to make it implicit that the continuing president will be a legal practitioner of seven years' standing. I move an amendment—

Page 24, line 36—Add after the word "standing" the words "who shall be the President of the Board".

The Hon. W. F. WILLESEE: I congratulate the honourable member on such a sensible amendment which I am willing to accept.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 45 to 62 put and passed.

Sitting suspended from 12.49 to 2.00 p.m.

Clause 63: Analysis may be published—

The Hon. I. G. MEDCALF: The amendment standing in my name on the notice paper seeks to preserve the right of a

person not to be prejudiced by the publication of information in a newspaper at a subsequent trial. I do not believe the Government would wish to prejudice a person's trial.

It is a well-established principle that people should not be prejudiced at a trial by the publication of information in advance of that trial. All members will appreciate the significance of this principle. A person on trial for an offence does not want to be prejudiced in the mind of a court or a jury by information which is published prior to a trial. The matter may not be brought to trial but nevertheless the result of an analysis and other particulars may be published.

I cannot believe that the Government intended to take away a person's elementary right to a free trial. If the court or the jury's mind is prejudiced by comments in the Press it is not a fair trial.

It would be damning enough in certain cases where the result of an analysis has been printed, but this legislation goes further—comments and explanations may be published. I do not say that the authority would act unreasonably; I am not suggesting that for a moment. I merely say that sometimes comments appear in the Press. I am sure every subject of Her Majesty would share my view that authorities do not always act reasonably and many people in the community would wish to retain the protection they have under the law.

This is a fundamental human right which can be found in a United Nations Charter and in Bills of Rights in countries such as the United States and Canada. The only information which can be published is that proceedings are to be taken, the time and place of the trial, and the name of the person to be charged. There must be some protection for a person charged with an offence.

I would like to point out that I do not seek to prevent a newspaper publishing the information. My submission is that if a court comes to the conclusion that a trial has been prejudiced by such a publication the court may dismiss the proceedings. I believe that is an elementary principle which should commend itself to the Government and to the Committee.

I move an amendment—

Page 37, line 27—Add a new sub-clause as follows:—

(3) Where the Authority has published the result of an analysis and a Court is satisfied that the publication of the result or any particular, explanation or comment has prejudiced the proper determination of any proceeding under this Act the Court may dismiss the proceeding.

The Hon. W. F. WILLESEE: The honourable member has convinced me and I accept his amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 64: Evidence of analysis and relation of sample to bulk—

The Hon. G. C. MacKINNON: Members of the Committee will recall that during the second reading debate it became apparent that this particular part of the Act occasioned concern. Mr. Medcalf has dealt with one aspect of the analysis and the amendment standing in my name on the notice paper is designed to deal with another part of it.

Members may recall I mentioned that there is too much detail in the Bill. I believed the techniques of practices involving sampling were well understood and well documented. It is when one attempts to spell out the provisions that one runs into difficulties. This is my main criticism of the measure.

Members who have studied clause 64 will see there is no determination as to how the sample is to be taken. Indeed, one single sample could condemn a factory. We must bear in mind that the Government comes in for criticism when a measure such as this is adopted. Members will recall the consequences of the passing of the Clean Air Act. When bushfires broke out people screamed about industry and attempted to close down certain factories.

I will not speak at any length because such is the affability of the Leader of the House today that there is a great possibility he will appreciate the common sense contained in this amendment and accept it. I move an amendment—

Page 38, line 9—Delete the words “any sample” and substitute the words “a proper or representative sample taken in accordance with accepted sampling practices”

The Hon. W. F. WILLESEE: I regret only one thing in this proposal: Mr. MacKinnon mentioned common sense; that must apply to an f.a.q. standard of education, because I accept the amendment.

The Hon. A. F. Griffith: The Minister will probably shortly get up and say, “Thank God for the Legislative Council.”

The CHAIRMAN: Order, please!

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 65 to 69 put and passed.

Clause 70: Occupier of premises to furnish information—

The Hon. W. F. WILLESEE: I move an amendment—

Page 41—Delete subclauses (2) and (3).

I desire to delete those subclauses because, after conferring with Mr. Medcalf, it became quite clear to me that the amendment I had on the notice paper previously was not sufficient to meet our needs. Subsequently I will move for the addition of a new clause which will enhance the prospects of the legislation. The matter of trade secrets has been closely examined. The Premier accepted the principle of affording every protection to industry. Obviously this is essential if certain companies are to survive. The proposed new clause has been drafted to meet this situation. We must place trust in industry, and we must not destroy industry's trust by Government action. This amendment and the proposed new clause were drafted on that basis.

The Hon. I. G. MEDCALF: I thank the Leader of the House for the sensible approach he has demonstrated and for his appreciation of the points which were raised originally in another place and which he has enlarged on in this Chamber. The whole object of the exercise is to preserve secrecy in proper cases—only where trade secrets are involved.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 71 to 87 put and passed.

New clause 71—

The Hon. W. F. WILLESEE: I move—

Page 41—Add after clause 70 the following new clause to stand as clause 71:—

Trade secrets.

71. (1) Where under the provisions of this Part a person is obliged to supply information to the Authority, or to any member of the Authority or any inspector, and the owner or occupier of the premises concerned is of the opinion that compliance with the obligation will result in the disclosure of a trade secret, the owner or occupier may within seven days declare in writing to the Minister that he objects to the obligation in so far as it relates to that trade secret.

(2) On receipt of an objection made under subsection (1) of this section the Minister may after such investigation and inquiry as he thinks fit by notice under his hand exempt the person concerned of the obligation either generally in relation to the trade secret alleged or to such extent as he may therein specify.

(3) Where the Minister refuses to exempt a person, generally, under subsection (2) of this section from the obligation to supply information, he shall cause notice in writing of

his decision to be served on the person objecting who may within twenty-one days of receiving that notice appeal to a Judge against the decision of the Minister.

(4) An appeal made under subsection (3) of this section to a Judge shall be heard in Chambers, and the Judge may confirm, alter or reverse the decision of the Minister and may make such order as to the costs of, and incidental to, the appeal as the Judge thinks fit.

(5) In determining an appeal under subsection (4) of this section, a Judge may, if declining to reverse the decision of the Minister, make an order—

- (a) prohibiting the Authority and every person who is, becomes or has been a member of the Authority or the Council, officer of the Department or other employee, servant or agent of the Authority, from disclosing any information relating to the trade secret supplied in compliance with the obligation, except in the circumstances specified in the order;
- (b) prohibiting, where any information so supplied is subsequently adduced in evidence in any proceedings, the publication of that evidence,

and any order so made shall be complied with notwithstanding anything to the contrary contained in this Act.

I think the new clause needs no further introduction in view of the remarks I made on the previous amendment.

The Hon. I. G. MEDCALF: I have a very minor amendment to make to the proposed new clause, which I regret has not been included in the circular setting out my main amendment.

The Hon. W. F. WILLESEE: To short-circuit the procedure I will accept it.

The Hon. I. G. MEDCALF: I appreciate the attitude of the Minister in agreeing to my composite amendment which will overcome problems relating to trade secrets. I move—

That the new clause be amended by deleting the word "generally" in line 2 of subclause (3) and substituting the words "either generally or to such extent as he may specify".

Amendment on the amendment put and passed.

New clause, as amended, put and passed.

Title—

The Hon. A. F. GRIFFITH: Am I permitted, Mr. Chairman, to make some comment in relation to a particular clause?

The CHAIRMAN: I think it would be preferable for the honourable member to do that at the third reading stage.

The Hon. A. F. GRIFFITH: Am I permitted to do that at this stage?

The CHAIRMAN: If the honourable member wants to deal specifically with a clause which has already been dealt with I cannot allow it, but he will be able to deal with the matter at the third reading stage.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.25 p.m.]: I move—

That the Bill be now read a third time.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.26 p.m.]: I apologise for the fact that clause 55 of the Bill passed my attention, because I was looking at something else when it was dealt with. I wanted to make a comment on it, but realised that we had passed the clause.

I do not want my remarks to be interpreted incorrectly, and I do not want people who are keen on environmental control to think that I am one of those who do not realise the necessity for environmental control. I think I should point out that the subject matter of clause 55 in the Bill is in a different form when compared with the provision which appears in the Act that this Government has not proclaimed.

I draw attention to the wording of clause 55 which states—

(1) The Authority may from time to time request the Minister of the Crown (in this section referred to as "the Minister for Mines"), administering the Mining Act, 1904, or any Act amending or in substitution for that Act, to submit to the Authority particulars of—

- (a) each application or proposal for the exercise of a power which could result in the grant of any right, title, tenement, estate, or interest in any land to be used for the purpose of mining or a purpose ancillary thereto; or

(b) such types or classes only of those applications and proposals as the Authority specifies in the request.

I can see the activities of the Mines Department being slowed down very considerably if the environmental protection authority puts into effect the powers it has under this provision.

I now turn to clause 55(5) which states—

(5) Unless and until the Minister for Mines has received and considered the recommendations of the Authority under this section, he shall not exercise any power of the kind referred to in subsection (1) of this section in relation to any such land.

Most of us are aware of the rate at which applications were forwarded to and dealt with by the Mines Department in the last few years; but I am not absolutely certain of the rate of its activities at the present time. However, I have reason to believe that the number of applications for mining tenements, mineral claims, etc.—

The Hon. W. F. Willesee: The department receives in the vicinity of 15,000 a year.

The Hon. A. F. GRIFFITH: That is a very considerable number. During the time I held the portfolio of Mines I can remember the time when 26,000 to 30,000 mineral applications a year were being received.

Unless the authority is selective in its requests to the Minister for Mines, the provision in clause 55 is likely to bog down—to use a vulgarism—the activities of the Mines Department to a greater extent than they should be slowed down.

I refer to the application of the words "grant of any right." A right under the Mining Act is a temporary reserve and is the right to occupy land. Unless the authority requested the Minister for Mines to refer to it every application received for a temporary reserve in the administration of the Mining Act, the authority would not become aware of the applications for temporary reserves. Of course, if the land were advertised by the Government, and applications for temporary reserves were called, the case would be different.

I imagine the authority would want to keep its eye on the situation but if it requests the Minister for Mines to supply it with a copy of every application for a temporary reserve—and even if mineral claim applications were made at the rate of 15,000 a year—the department will be considerably slowed down. The Mines Department—as it was and as it still is—was not able to keep up with the work, and if it is to have thrust upon it this additional requirement, and if the authority does not exercise its power in a reasonable way, the wait for a mining tenement will be very much longer indeed.

The Act introduced by the previous Government left certain discretion with the Minister. The present Bill refers to a Minister of the Crown under whose administration certain matters fall. The Minister for Mines could observe that an application concerned a beach, and it seems to me it would be logical for the authority to first investigate to see whether pollution or damage to the environment was likely to occur as a result of mining on that beach. The Minister should refer such cases to the authority. Under the Bill which we introduced last year it was my intention to refer to the authority any application which was likely to cause any type of controversy.

The Hon. W. F. Willesee: That is the important point.

The Hon. A. F. GRIFFITH: The Leader of the House may regard that as an important point but he will appreciate that the authority which will be set up is not the same as the authority which was written into the old Bill. The previous Bill provided that the Minister concerned, whether it was the Minister for Mines or anyone else, would refer the matter if he thought a project might affect the environment. Under the Bill now before us the authority will have the power to call on a Minister and ask him to furnish a report.

The present Government has adopted an unusual approach in the fact that it is not even prepared to have ministerial responsibility for the operation of the Act. The amendment moved by my colleague to give the Minister absolute authority was not accepted by the Government. In other words, the Government thinks the Act should not be the responsibility of the Minister, but the responsibility of the authority.

It is known that were it not for mining in this State—and I repeat: I do not want these words to be misinterpreted by the Press—Western Australia would not be in its present economic situation.

The Hon. G. C. MacKinnon: Most of the development has occurred in areas where it does not bother anybody anyway.

The Hon. A. F. GRIFFITH: That is true. The Poseidon agreement, and the Amax agreement concerned areas where nobody was likely to be very worried. Three mining agreements have been signed and executed by the Government and they have affected areas where the projects are unlikely to worry anybody. However, the project in the Upper Swan will be submitted to the authority so that the Government can get out from under.

I hope the authority, in the exercise of its powers, will appreciate the importance of the mining industry to the community at large, and that the rights it has to

exercise will not be overdone. I hope that requests to the Minister for Mines will be reasonable at all times. The authority should not request the Minister for Mines to refer every application which is submitted for a temporary reserve for surveillance before anybody does anything in relation to mining.

I have said previously that whilst mining does destroy, the ground can be rehabilitated. Nothing destroys so permanently as does agriculture, but we do need to have agriculture alongside mining.

I merely express the warning that the clause I have referred to exceeds by far in authority the co-operative attitude which the previous Bill introduced between departments. The present Bill will give the authority absolute control and the Act will not be subject to the Minister.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.37 p.m.]: I appreciate the remarks made by Mr. Griffith because he speaks with authority as the ex-Minister for Mines. Naturally, he is very close to the subject. When we consider that 15,000 applications are received each year for temporary reserves, if each application had to go before the authority then surely the authority would bog down and would not make progress. However, clause 55 of the Bill states, "such types or classes." Therefore, only a particular class or a particular problem will be discussed by the authority, and not the ordinary routine day-to-day applications for mining tenements.

It is recognised by everybody in this Chamber that the mining interests of this State are its backbone, and no-one would want to detract from the progress of the mining industry. I give an assurance, as far as I am able, that the departmental authority will not interfere with the day-to-day movements of mining interests. If a situation arises which has to be referred to the authority, that will be done.

The Hon. A. F. Griffith: If an application were received for a mining tenement in the Swan River I would agree that ought to go to the environmental authority quickly.

The Hon. W. F. WILLESEE: I recently refused to put money into a scheme to buy wood for the poor Eskimos because I thought the Eskimos were doing all right by themselves. Only when a situation demands it, and when there is an expression of public opinion, will any matter be referred to the authority. I think 95 per cent. of mining applications will be accepted without question.

Question put and passed.

Bill read a third time, and returned to the Assembly with amendments.

BILLS (18): ASSENT

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

1. Coalmine Workers (Pensions) Act Amendment Bill.
2. Legal Practitioners Act Amendment Bill.
3. Dried Fruits Act Amendment Bill.
4. Commonwealth Places (Administration of Laws) Act Amendment Bill.
5. Supreme Court Act Amendment Bill.
6. Administration Act Amendment Bill (No. 2).
7. Evidence Act Amendment Bill.
8. Milk Act Amendment Bill.
9. Prisons Act Amendment Bill.
10. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
11. Cement Works (Cockburn Cement Limited) Agreement Bill.
12. Rights in Water and Irrigation Act Amendment Bill.
13. Fisheries Act Amendment Bill.
14. Justices Act Amendment Bill.
15. Western Australian Institute of Technology Act Amendment Bill.
16. Reserves Bill.
17. Railway Standardisation Agreement Act Amendment Bill.
18. Child Welfare Act Amendment Bill.

ABORIGINAL AFFAIRS PLANNING AUTHORITY BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to give effect to pre-election promises made by the Government. It is the logical and sequential culmination of a succession of amendments to the basic legislation which has formed an integral part of the State's involvement with Aboriginal affairs since first settlement.

These successive legal phases have been some of the chief factors governing the welfare of the Aborigines and have had a marked effect on the rate of integration and cultural change. Since the Swan River Colony was established in 1829 there have been three quite distinct phases.

The Colonial Administration was responsible for Aboriginal affairs right up until towards the end of the nineteenth century. It was then policy for the Aborigines to be given the benefits of Christianity and civilisation, with the unstated but implied intention that they were eventually to be assimilated into the general community.

In 1897 the State Government enacted the Aborigines Act. This introduced a 50-year period during which there was intense official concentration on the control of Aborigines and very little progress in implementation of the stated aim of integration. During the last two decades changes have been much more significant, and most, if not all, of the restrictive provisions have been repealed.

The Bill repeals the Native Welfare Act as a preliminary step to absorbing the welfare activities of the Native Welfare Department into a new and more comprehensive department to be known as the Department of Community Welfare. It is also proposed to transfer the responsibility for the Aboriginal town housing programme to the State Housing Commission. Special funds for this purpose will still be allocated by both the State and Federal Governments. These changes will bring the Aboriginal population into the ambit of the welfare and assistance services provided by the State for all other members of the community.

However, in view of the depressed state of the majority of the Aboriginal population a hard core of specialist services will still be required by them within the foreseeable future. These services will be the responsibility of a corporate body to be known as the Aboriginal Affairs Planning Authority, whose function it will be to provide consultative, planning, and advisory services for the economic, social, and cultural advancement of Aborigines. Specifically, its function will be to—

- (a) provide for consultation with persons of Aboriginal descent;
- (b) recognise and support as may be necessary the traditional Aboriginal culture;
- (c) promote opportunity for the involvement of persons of Aboriginal descent in the affairs of the community and promote the involvement of all sectors of the community in the advancement of Aboriginal affairs.
- (d) foster the involvement of persons of Aboriginal descent in their own enterprises;
- (e) provide consultative, planning, and advisory services in relation to the economic, social, and cultural activities of Aborigines, and advise on the adequacy, implementation, and co-ordination of services provided from other sources;
- (f) make available such services as may be necessary to promote the effective control and management of land held in trust by, or for, persons of Aboriginal descent; and
- (g) promote their economic, social, and cultural advancement.

The integration of the functions of the Native Welfare Department into other departments is expected to bring with it some administrative problems. To meet these, provision has been made to establish a body to be known as the Aboriginal Affairs Co-ordinating Committee.

The committee will co-ordinate the activities of all persons and bodies, corporate or otherwise, providing—or proposing to provide—services to Aborigines. It will consist of the commissioner for Aboriginal planning or his deputy who will be the chairman; the chairman for the time being of the Aboriginal advisory council; the permanent heads of the Treasury, the Public Health Department, the Community Welfare Department, the Education Department, and the State Housing Commission, or their nominees approved by the Minister; together with three other members to be appointed by the Minister. The committee may co-opt the services of any person.

In drafting the legislation special consideration has been given to granting the Aborigines themselves the greatest possible participation in policy making and its implementation. In promoting the well-being of Aborigines, the authority is required to take into account their views as expressed by their representatives.

The Bill also establishes an Aboriginal advisory council which will consist of and be chosen by persons of Aboriginal descent. It will be the function of the council to advise the authority on matters relating to the interest and well-being of Aborigines. Its size and the method of selecting its members are to be prescribed by the Minister. The chairman will be chosen by the council from among its members. In exercising its functions the authority shall at all times take into account the expressed views of the advisory council.

Provision has also been made for a trust to be established in which larger Aboriginal reserves may be vested. The trust will be a body corporate and known as the Aboriginal Lands Trust. It will consist of seven persons of Aboriginal descent living in Western Australia, all of whom—including the chairman—are to be appointed by the Minister. Additional members may be appointed by the Minister on the recommendation of the trust. At the request of the authority land may be vested in the trust by Proclamation of the Governor on such conditions as may be stipulated. Provisional on such conditions the trust will have exclusive control and management of land so vested with an exclusive right to the exploration and utilisation of all the natural resources within the area. "Natural resources" is defined to include gold, petroleum, petroleum gas, and all other minerals. Members may be assured, however, that the Government is firmly determined that existing legal rights will be respected.

Other functions of the trust will be to acquire and hold land, whether in fee simple or otherwise, and to use and manage that land for the benefit of persons of Aboriginal descent; to ensure that the use and management of the land held by the trust shall be in accord with the wishes of the Aboriginal inhabitants of the area; to negotiate for or administer projects for the exploration, exploitation, or development of the land for which the trust is responsible on behalf of the Aboriginal inhabitants of the area; and to instigate or support any action required to ensure the most beneficial use of the land.

Provision is also made for the Governor to declare any Crown lands to be reserved for persons of Aboriginal descent. He is also empowered to alter the boundaries of existing reserves and to cancel existing reservations.

The position of the Government is adequately safeguarded by the Bill which requires any of the aforementioned bodies to give effect to general or specific directions by the Minister issued after consultation with the body concerned.

Land already proclaimed as a reserve for the benefit of Aborigines under the Native Welfare Act and Crown land similarly reserved under this new legislation will be vested in the authority for the exclusive use and benefit of Aborigines.

Since the use and benefit of these lands and their natural resources are to be reserved for the exclusive right of the original inhabitants, no rental, royalty, or other revenue derived from their use shall be payable to the State. The authority may, however, authorise exploration and mining on the reserves when it is considered that such activity would benefit the Aboriginal inhabitants, and it may negotiate in relation to the use of the land and levy a rental, royalty, share of profit, or other such revenue as is considered appropriate.

Where the land, the subject of a reservation, is held otherwise than by or exclusively on behalf of persons of Aboriginal descent and the authority has been unable to negotiate successfully for this interest with its owner, the interest may be dealt with as a public work and acquired under the Public Works Act, 1902.

The only persons authorised to enter on reserved land under this legislation are persons of Aboriginal descent; members of either House of the State or Federal Parliaments; persons lawfully exercising a function under the Act or otherwise acting in pursuance of a duty imposed by law, or a person authorised by the regulations.

The exclusive use and benefit of any reservation may be granted to those persons who are or have been normally resident within the area and their descendants.

Although the new legislation repeals the Native Welfare Act it is considered that certain of the existing provisions should be retained by the planning authority. Some of these are the special provisions for the distribution of an estate of an Aboriginal who dies intestate. Briefly, if the Public Trustee is unable to ascertain who is entitled to benefit under the normal laws of the State, any balance remaining may be distributed in accordance with the Aboriginal customary law as it applied to the deceased at the time of his death. Where there appear to be no persons entitled to succeed, the balance may, by order of the Governor, be distributed beneficially amongst any persons having a moral claim to it. If no such order is made the estate will be vested in the authority upon trust and used for the benefit of Aborigines generally.

The provisions for the Natives Trading Fund in the Native Welfare Act have been carried forward into the new Bill under the title "Aboriginal Trading Fund." The fund, which consists of proceeds from the disposal of artifacts or other property acquired by the commissioner from Aborigines and moneys from time to time appropriated by Parliament or advanced by the Treasurer, is to be used for the purchase of artifacts and other articles for resale and for the supply of basic materials to such persons. The fund may also make advances for equipment to enable Aborigines to carry out contract or other work whether as individuals, in groups, or by community effort.

Provision for the authority to acquire land for disposal to Aborigines is also being re-enacted in this Bill. These provisions include, as well, the power to lend money to enable any Aborigines to improve or develop land held by them or to acquire further land upon the security of a mortgage to the authority. A number of Aborigines have already benefited from these provisions and are purchasing their own properties.

The Bill provides for Aborigines to qualify for any facilities or services provided for persons generally.

The provisions concerning admissions of guilt in the Native Welfare Act have been brought forward in an amended form. They now provide that in any court proceedings where the punishment in the first instance is by term of imprisonment for a period of six months or more, an admission of guilt before the trial or a plea of guilty at the trial is not admissible where the court is satisfied that the Aboriginal defendant does not comprehend the nature of the proceedings or is not capable of understanding his admission or plea of guilty.

The funds of the authority will derive from appropriation by Parliament; proceeds from its dealings in land and natural

resources; fees payable for the management of land or property; proceeds from investment of authority funds; gifts, devises, bequests, and funds carried forward from the Native Welfare Department.

There are two other matters which require comment. The term "Native Welfare" has been dropped in this legislation and replaced by "Aboriginal Affairs." "Aboriginal" is now more generally used throughout Australia and the word "welfare" in relation to Aboriginal people generally is being discontinued. As other States have adopted the term "Aboriginal" rather than "native" it has been decided that Western Australia should fall into line. The proposal meets with the desires of the Aborigines themselves.

Secondly, the Bill widens the definition of "Aboriginal", which at present excludes those persons of one-quarter or less Aboriginal blood. It is proposed that the definition be broadened to include any person of Aboriginal descent. This definition is the one now more generally applied throughout Australia and the one which has been accepted by the Commonwealth Government as a basis for the *pro rata* distribution of financial grants.

This definition has been broadened to enable any person of Aboriginal descent to qualify for the benefits prescribed by the Act. The House may be assured, however, that no persons will in any way be disadvantaged by the definition. Incidentally, this principle was accepted in modified form in 1963 when the Minister was empowered to extend the welfare provisions to any person descended from the Aboriginal race. I commend this Bill to the House.

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

COMMUNITY WELFARE BILL

Second Reading

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

That the Bill be now read a second time.

In his election speech, the Premier stated that a Labor Government would establish a ministry of community welfare which, initially, would combine the activities of the Child Welfare Department and the Native Welfare Department into a new department known as the department for community welfare and, at a subsequent stage, would absorb other minor welfare services.

The Premier also stated that it was intended the new department would emphasise the development of regionally-based services to the greatest possible extent; increase the numbers of trained social workers engaged in departmental programmes; improve liaison between the

department and the private welfare agencies; assist them in making maximum use of resources, and provide for the expansion of home-help services in order to aid families in times of crises. Overall it was intended that the new community welfare department would provide the public with a better organised and more efficient welfare service, and would encourage and support in a realistic manner the efforts of voluntary organisations engaged in the welfare field.

These general proposals, which were briefly outlined by the Premier, require a considerable change of thinking as to the nature of a modern welfare department. Traditionally the Government department—and this would be true of many private agencies as well—has worked with each client as an individual and has used its own services and programmes for the needy or disadvantaged almost exclusively, with little planned use being made of the other resources which may be present but dormant in the community.

I have mentioned these matters by way of introduction because I would like members to know that the Bill we are dealing with—the Bill to establish a department for community welfare—is much more than a mere renaming of the two former welfare departments. The Bill is based on a number of important principles concerning human welfare and has been designed in the light of the changing needs of modern communities.

There is one other matter I would like to refer to before dealing with the special provisions of the Bill. It is intended, in other legislation before this House—the Bill to establish the Aboriginal Planning Authority—to abolish the existing Native Welfare Department and to combine the welfare functions of that department and the particular staff involved, with those of the Child Welfare Department to provide the necessary manpower to form the department for community welfare. From that time onward, Aboriginal persons requiring any form of viable welfare service or benefit, will be served by the department for community welfare alongside all other persons or groups in the community. There will no longer be a special welfare service exclusively for Aborigines.

Strange though it may at first seem, such a change is welcomed by most Aborigines. For some years now there has been a gradual merging of the two departments' welfare responsibilities by administrative arrangement. This has progressed very satisfactorily, so that the eventual full merger will occur smoothly and without loss of service to the Aboriginal population. For the reason that it is no longer seen as necessary to cater exclusively for Aboriginal welfare through a separate department, it is also considered unnecessary to specify Aborigines as a special group automatically entitled to welfare simply

because of their ethnic identity. The Community Welfare Bill therefore makes no mention of Aborigines as such, and whether or not they may be entitled to any benefit or assistance arising out of the provisions of the Act, would be determined in the same way as it is for the rest of the community. I believe that this move will be beneficial and will assist in the integration of Aboriginal people.

The new department will, of course, be constituted as a normal Government department. That is, the department is headed by a permanent head responsible for the general administration of the department and staffed by persons appointed subject to the provisions and controls of the Public Service Act or other direction of the Minister.

Ministerial liability is maintained in that the Minister has ultimate control over the department's policies and operations and is responsible to Parliament in the usual way for these things.

Later on in this Bill it will be noted that the functions of the new department are wide-ranging and provision must, therefore, be made to enable the implementation of many different kinds of services, programmes, and facilities that may be required to meet community needs at different times.

It will be necessary for the department to make use of buildings and property for special purposes apart from the housing of departmental staff. This could include institutions, hostels, group homes, and other facilities that may be necessary to implement particular projects. For this reason it is desirable to vest the Minister with the powers of a body corporate, thus enabling him to undertake and authorise transactions.

In this Bill we have specified that the director shall be a person with appropriate academic qualifications. It is regarded as an important requirement when one has regard for the special nature of the department's work, the way it operates and the way in which it must be administered.

Nowadays it is not always possible to meet the many needs of a big Government department or the special concerns of the community by depending exclusively upon the department itself to respond. There is a growing need to make use of other resources in the community that can be used in special matters or to support the department generally in its work. For this reason the section of the Bill covering the appointment of other staff has been designed to allow not only the appointment of persons who are civil servants and engaged subject to the provisions of the Public Service Act, but also to contract with individuals or organisations who could render a special service.

Here, I am particularly thinking of the possibility of researches and long-term studies or projects involving work for, or with, the department's clients. The right of the Minister to make arrangements by contracting for service will ensure that any investigations or tasks are undertaken according to business principles and with proper regard for the rights and privacies of any departmental clients that may be involved.

In my opening remarks I stated that the department for community welfare would be staffed by amalgamating the Child Welfare Department staff with staff of the Native Welfare Department. That is, those staff members of the latter department who remain after constituting the new Aboriginal planning authority. It is proper in the circumstances, that the existing permanent head of the Child Welfare Department and his deputy should be appointed to the top positions in the new department.

I now turn to parts of the Bill that I consider to be most important, exclusive from other parts of it. I refer to the clause covering the functions of the new department.

I have tried to indicate that the Government intends to give a new look to welfare services in this State. We intend that much more emphasis should be placed upon preventive work, and we also intend to investigate vigorously ways of reducing and, where possible, correcting, social problems at their roots. To do this effectively a great deal more needs to be known about problem areas in the community, their causes and the most effective ways of removing them. Research and investigation is needed to question some popular beliefs concerning community problems and to test the most effective ways of dealing with them.

The functions of the department, therefore, heavily emphasise the need for a questioning approach to social problems. Although a great deal of family disruption and its resultant unhappiness could be alleviated by the provision of improved schemes of financial support, this is not true in some cases and is not the sole need in most cases. Needy families and individuals have many basic concerns other than those that are purely financial. We should try to determine more exactly what these needs are and whether it would be beneficial to the community and the families and individuals concerned to try to relieve them. Research, inquiry, and experiment are effective ways of doing this and these things, therefore, rank highly in the functions that have been listed.

It is important, of course, to not only highlight the problem areas but to point to more effective ways of dealing with them. It is necessary to do something about them; and for this reason several of

the functions refer to the need for co-operation with the voluntary organisations and the provision of assistance to them in improving their services, as well as attempting to meet the need from departmental resources. We believe that the Government departments and the voluntary agencies and, more importantly, the community, have a great deal to gain through expanded co-operative effort. The functions have, therefore, been designed with an emphasis on such co-operation and in a form that should stimulate the supplementary role played by the voluntary agencies in the provision of welfare services to our community.

There is one other thing I would like to say about the functions of the new department. We believe that a service will be better administered, more constructively used, and less frequently abused, if it keeps itself in touch as closely as possible with problems at their origin. For this reason a specific function is to encourage the provision of services at the local level. This means involving local people and voluntary groups wherever possible, and reducing the gap between the persons giving the service and the recipient of that service. In other words, it is a policy of deliberate planning.

The Native Welfare Act contains a number of sections that afford special protection or advantages to Aborigines. These provisions cover working conditions, access to Aborigines in employment, legal representation, assistance in the matter of property transactions, and the holding of property and other assets on behalf of Aborigines.

Now, because the Native Welfare Act is to be abolished, these sections will go. There is, however, a continuing need for the use of protective provisions of this kind, in special circumstances, and it is therefore necessary to reintroduce them with some alteration in another Act. Because they are basically welfare in nature, the proper place for them is the Community Welfare Act. The same protective sections are then available not only for Aborigines but, since they are now not specific to Aborigines as they were when located in the Native Welfare Act, they also become available to other persons in the community. The qualifying requirements are no longer based upon a person's ethnic origin. The new requirements to qualify for assistance of a protective nature are—

- (1) the consent of the person requiring the assistance and,
- (2) an evaluation of their status with a view to establishing that they are disadvantaged to a sufficient extent to warrant that assistance.

A person's position of disadvantage, therefore, becomes the important criterion, whether that disadvantage is caused by social factors, economic factors, ethnic differences, or any other circumstances that prevent them properly providing for

themselves. The Bill simply provides that if the director is satisfied that any claimant for assistance under the Act is disadvantaged, he shall issue a certificate to that effect and that certificate will be sufficient evidence of the person's status. In practice it is intended that one of the principal measures used to determine whether or not a person is disadvantaged, will be the question of whether or not he is eligible for assistance under the scales laid down in the Welfare and Assistance Act, 1961.

I believe that these new proposals are an improvement over what existed before. They are more flexible, they focus on the real problems, and they allow the new department to assist any persons who may be inadequately provided for under existing schemes. Here, for example, I have in mind persons who may have special and unusual handicaps that are not fully catered for by available organisations, some aged persons and others whose living circumstances are extremely depressed. The important thing to keep in mind when considering these particular clauses is that a person must be willing to accept the proffered service. In other words, his responsibility for making decisions concerning his own welfare and interests is maintained and he is not made to feel totally dependent upon others.

As in most Acts it is necessary to prescribe methods for dealing with persons who obstruct the implementation of the Act or breach its provisions. In the normal way, therefore, the Bill prescribes penalties for these things.

As is usual, the Bill requires that the Director of Community Welfare shall report annually to the Minister concerning the operations of the department and the Minister shall in turn present that report to Parliament.

There are several other matters that do not require discussion at this stage, other than to mention that provision has been made for them in the Bill. These include the receipt of gifts and bequests to be used for the general purposes of the department, the application of the provisions of the Audit Act to cover the financial operations of the department, and the power to make regulations not inconsistent with the Act.

I have endeavoured to spell out in some detail the principles and ideas on which the Bill stands. I believe that we have in this Bill a modern piece of legislation that takes an understanding view of the many social problems that operate in today's communities and prescribes ways in which these problems may be alleviated and prevented.

Emphasis is placed upon thorough investigation of community problems, maximum co-operation between the Government department and the voluntary agencies, the decentralisation of services,

and active use of local resources. In these regards the Bill breaks new ground and ties the services and personnel of the welfare department into the daily needs and problems of the community.

Upon the successful passage of this Bill it will be necessary consequently to amend certain other Acts such as the Child Welfare Act, the Adoption of Children Act, and the Welfare and Assistance Act, in that these particular Acts refer to the constitution and establishment of the Child Welfare Department, which will no longer exist and the title of certain office bearers such as the permanent head. These matters will be dealt with in more detail in Committee.

It is not my intention to proceed further with this legislation during this session. The Bill is accordingly available for consideration and examination by individuals and groups in the community at large. I trust that when Parliament resumes next year I shall be aided by some feed-back from the community itself and the further stages of the measure will be taken after consideration has been given to any new matter placed before us. I commend the Bill to the House.

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

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT BILL

Second Reading

Debate resumed from the 7th December.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [3.15 p.m.]: I intend to support the Bill and, in fact, to spend very little of the time of the House in addressing myself to it.

The Minister explained that the re-ratification of this agreement is necessary because apparently prior to the signing of the original agreement approval was not obtained under the Banking Foreign Exchange Regulations. I am unable to say how this occurred, but the fact remains that the omission rendered the agreement invalid.

Then the Minister explained that one or two minor changes had been made to the agreement, but I do not propose to spend any time on them either, because they are not of a material nature.

I am pleased the Government was able to indicate that this project will continue. It is in a part of the State in the north which, to say the least, is difficult; and I know from personal experience that the company has gone to a great deal of trouble and effort. It is for this reason I am pleased the project can continue.

The agreement is dated the 17th November, 1971, and has been signed by the Premier on behalf of the State. Unlike

the other two agreements with which we have dealt recently—that is, the Golds-worthy and the Poseidon agreements—this one contains the old-type variation clause, and not the new variation clause contained in the other two agreements.

The Hon. W. F. Willesee: You mean there is no variation clause in it?

The Hon. A. F. GRIFFITH: Oh yes, it has a variation clause.

The Hon. W. F. Willesee: I was going to say that we would have had to rectify that situation quickly!

The Hon. A. F. GRIFFITH: Unlike the variation clause in the other two agreements, this one is identical to the one included in all agreements made under the previous Government. I mention that in good humour because I really believe the new variation clause adopted by the Government is looser than the variation clause in this Bill. Having said that, it is my pleasure to support the measure.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.18 p.m.]: I thank the Leader of the Opposition for his support of the Bill. Obviously he knows much of the history behind this project. Considerable doubt existed as to whether the project would ever be airborne, and it is only because of the continued application by those concerned, and because of the help given by State Governments whenever possible, that this project has now reached the agreement stage. I do not intend to reply to the honourable member with regard to the variation clause.

The Hon. A. F. Griffith: Don't worry about it.

The Hon. W. F. WILLESEE: He has had far more experience than I have had with variation clauses. I thank him for his support.

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 The Hon. W. F. Willesee (Leader of the House), and passed.

CONSUMER PROTECTION BILL

Second Reading

Debate resumed from the 7th December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [3.22 p.m.]: This piece of legislation has been found to be necessary and there is no intention on the part of my party to oppose the measure although we propose some amendments.

The legislation is necessary in so far as we must protect all citizens in this State from any of the sharp practices that occur in trading from time to time. In recent times, of course, we have had such things as pyramid selling brought to our notice.

The Bill provides for a council to be formed to act upon and disseminate information to the public at large. The council will be supported by a consumer protection bureau. In point of fact this set-up will be nearer to the ombudsman in the *Daily News* than the so-called ombudsman—the parliamentary commissioner—who is to be appointed. This will be the organisational set-up which will deal with people's day-to-day queries in regard to consumer affairs.

We are the last State, as it were, to adopt this type of legislation and, as such, we are presented with a fairly comprehensive measure. New South Wales, Queensland, and Victoria have all gone through a period of appointing consumer affairs councils and protection bureaus, even if they are known by other names. The only State that is out of line is South Australia but that State made protection possible through a prices committee.

I do not propose to delay the House by making a long second reading speech. We have been in touch with the Minister in charge of the Bill in another place and I really think the legislation can be described as necessary. It is a measure which is better discussed in Committee rather than by one or two members making long speeches to the second reading. I support the Bill.

THE HON. N. E. BAXTER (Central) [3.25 p.m.]: It is not my intention to speak for long, but I must say I welcome the legislation. To me it is a step in the right direction and one that should have been taken earlier in the history of our Parliament instead of its being left to the present time. We must be satisfied, however, when such measures are brought down at an appropriate time, as is the case with this one.

If members cast back their minds they will recall I spoke at some length to the Address-in-Reply last year on the subject of setting up an authority to do something about consumer goods. I shall quote a little of what I had to say last year because I think my remarks at the time express my thoughts on this legislation. I refer to *Hansard* Volume No. 1 of 1970 at page 376 when I said—

I shall tell the Minister what we should do later on as I develop my speech. I want to touch on the crux of the matter, because I do not want to delay the House unduly. I believe the time has come to introduce into this country very far-reaching legisla-

tion, on a Federal and State basis. I have looked hard at existing legislation in Australia which has any semblance of trying to control the escalation of the price of consumer goods. There is nothing worth while in our Statutes, on a State or Federal basis. There is nothing with any teeth. To my knowledge there is the Commonwealth Trade Practices Act, which is only accepted, under complementary legislation, in one State; namely, Tasmania. In Western Australia we have the Trade Associations Registration Act which protects only a certain group of people registered under the Act. Neither of these Acts does anything to curb the increase in prices.

Although the consumer protection council and bureau are not set up to be purely price-fixing authorities, in my opinion they will go a long way to keep the price of consumer goods within a reasonable range. They will give protection to people who have found they have been taken for a ride in their purchases.

I would like to say that I consider this kind of legislation should be accepted by the Commonwealth as well as the States. I fully believe the Commonwealth should introduce a similar Bill, because I do not think the legislation which has been introduced by the various States will be able to deal fully with every aspect of consumer goods in Australia; some goods are and must be the sole concern of the Commonwealth. The Commonwealth should have controlling legislation to deal with those goods.

Up to date there has been no indication the Commonwealth intends to introduce anything like consumer protection legislation. This is a must in the future. I consider the States have given the Commonwealth the lead and that the Commonwealth should give deep consideration to introducing the legislation.

I have made these comments thinking mainly in terms of one line of consumer goods; namely, machinery parts. I believe these parts would not come within the scope of State legislation in many instances—I refer particularly to imported parts. I consider this is a field where Commonwealth legislation would be more than reasonably effective. With those words I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.30 p.m.]: I appreciate very much the brevity of the remarks made in connection with this Bill. It has been debated extensively in another place and accordingly much of the material is now public. There are amendments on the notice paper which will be conducive to the ultimate passage of the measure and to its final

impact upon the public. I thank members who have spoken and I commend the second reading of the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Consumer Affairs Council.

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 4, lines 1 and 2—Delete paragraph (g) and substitute the following:—

- (g) One shall be an appointee of a union or society of employers.

The reason for this is that there appears to be some difficulty in the original and the feeling was that there are some 15 single unions of employers all drawn together in one federation.

I have it on good authority that the Crown Law Department will accept the words "society" and "appointee" as meaning anyone within the compass of those 15 unions, be they individual or affiliated. It gives the Minister the choice.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 13 put and passed.

Clause 14: Functions of Council—

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 7—Delete subclause (2) and substitute the following:—

- (2) The Council may co-operate, affiliate, or consult with other organisations that have the power to make investigations of the nature referred to in subsection (1) (a) of this section.

This is to tidy up the wording and make the Bill more acceptable. I do not propose to proceed with the amendment to this clause in my name on the notice paper.

Once again, this is a nicety in law which was drafted in consultation with the Crown Law Department. It gives the council the opportunity to affiliate, consult, or co-operate with other organisations. It does not restrict the council in any way. The council will not be required to consult the Minister. The council will be appointed by the Minister in order to carry out its work, and it should not be required to refer such things to the Minister. The amendment tidies up the position. I understand the Crown Law Department has no objection to it.

Sitting suspended from 3.43 to 4.01 p.m.

The Hon. W. F. WILLESEE: The Government has no objection whatsoever to this composite amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Functions of the Bureau—

The Hon. F. R. WHITE: I draw attention to the word "user" appearing in line 23 of page 8. It might be a printing error, and if so I will move an appropriate amendment.

The Hon. W. F. WILLESEE: I understand this word appears in two other Acts. The word "user" has been adopted from those Acts.

Clause put and passed.

Clause 18 put and passed.

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

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 12, line 19—Delete all words in the subclause after the word "shall" and substitute the following:—

- (a) obtain a warrant to do so from a Magistrate or Justice of the Peace which warrant the Magistrate or Justice of the Peace is authorised to issue upon being satisfied that the entry is sought in good faith for the purpose of carrying out any investigation or enquiry under this Act;
- (b) display to the person, if any, affording him entry—
 - (i) in the case of the Commissioner, a document signed by the Minister, and certifying that he is the Commissioner; and
 - (ii) in the case of an authorised person, a document signed by the Commissioner and certifying that that person is an authorised person.

This amendment requires correct and proper action to be taken by the statutory body envisaged under this legislation. It is no defence to say that, because officers in some 40 other statutory bodies in their time were not required to obtain warrants from justices of the peace, we should adopt the same practice. We would not require scaffolding inspectors, machinery inspectors, and the like to obtain warrants before they enter premises; but in respect of consumer protection an inspector might be required to enter private homes. I think it is essential that due observance of the law should be carried out, and where required a warrant from a justice of the peace should be obtained.

Regarding paragraph (b) of my amendment I think the inspectors or officers engaged in administering this legislation should carry some form of identification when they are required to enter premises. The state of the community at the present time is such that anyone can, in fact, knock on one's door and say that he is from a particular organisation, and demand entry. These inspectors and officers should be required to produce proof of their identity, and paragraph (b) will ensure this is put into effect.

The Hon. W. F. WILLESEE: I have no objection to this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 20: Sufficient notice to be given to enable questions etc. to be answered—

The Hon. I. G. MEDCALF: I move an amendment—

Page 12, lines 28 to 36—Delete sub-clause (1) and substitute the following:—

- (1) A person is not obliged to answer any question or furnish any information pursuant to section 19 unless the Commissioner has reasonable grounds for the belief that such person is able to materially assist in such investigation or enquiry as is mentioned in that section and unless he has first been informed by the Commissioner that he is required and is obliged to answer such question by virtue of that section and he has been given sufficient notice to enable him to obtain the information or ascertain the answer as the case may be.

This amendment merely seeks to add a few words to the provision appearing in the Bill. The additional words are to the effect that the commissioner must have reasonable grounds for believing that the person he asks is able to assist him in the investigation or inquiry.

The Hon. W. F. WILLESEE: We have no objection whatsoever to this amendment.

Amendment put and passed.

The Hon. I. G. MEDCALF: I would ask members to ignore the remaining amendment standing in my name to clause 20, as appears on the notice paper. However, I would draw attention to the alternative amendment which I have caused to be circulated to members. I move an amendment—

Page 13, lines 13 and 14—Delete all words after the word "against" in line 13 to and including the word "con-

sumers" in line 14 and substitute the following:—

paragraph (b) of subsection (1) of section 21 of this Act

The effect of my proposed amendment is to protect a person giving information. The Bill at present will compel a person to give information as required to the authority. With the inclusion of my proposed amendment the information supplied will not be able to be used in proceedings against the person concerned, unless he supplies false information. This seems to me to be desirable because if we leave the provision as it stands we will take away from the person giving information the right that every person has; that he need not incriminate himself. If a person gives information he will not be incriminated because proceedings will not be taken against him as long as the information given is correct.

The Hon. W. F. WILLESEE: The Government is prepared to accept this amendment, having investigated it thoroughly.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21 put and passed.

Clause 22: Obstructing Commissioner—

The Hon. I. G. MEDCALF: I move an amendment—

Page 14, line 1—Insert after the word "who" the words "without reasonable excuse".

The Hon. W. F. WILLESEE: We have no complaint about the insertion of the words "without reasonable excuse."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 23 to 27 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.22 p.m.]: I move—

That the Bill be now read a second time.

This is the first Appropriation Bill concerning the Consolidated Revenue Fund which it is my pleasure to introduce in this Chamber.

As most members are well aware this is the Bill which occasions in another place the presentation of the Budget and consequent debate on the financial proposals which are contained in it.

Such debate is restricted to that Chamber and normally the introduction of this measure in the Legislative Council becomes something of a formality, with its proposals being explained in the briefest of terms.

However, on this occasion—and might I be permitted to say for the benefit of the many new members of the Legislative Council—I propose to extend my explanation of this Bill a little further than is customary.

Members will recall that quite early in the first session this House concurred with another place in the passing of a measure to authorise an expenditure of \$175,000,000 required for the carrying on of the services of the State. This money was made available to bridge the financial gap, as it were, while the Revenue Budget and Loan Estimates for the financial year 1971-72 were in course of preparation prior to presentation to Parliament.

The Bill now before members gives, in effect, parliamentary approval to the Revenue Budget by appropriating the sums required for the services of the current financial year as detailed in the Estimates. Those Estimates became available to members as soon as the Appropriation Bills were introduced in another place.

The Consolidated Revenue Fund Appropriation Bill also makes provision for the grant of supply to complete requirements for this year—that is a further supply of \$180,200,000 is provided for in the Bill now under consideration. This total sum of \$355,200,000 is to be appropriated in a manner shown in a schedule to the Bill.

If members will refer to these schedules it will be seen that schedule A makes this total provision, and also an amount of \$40,000,000 which increases by \$35,000,000 the amount of \$5,000,000 made available under the provisions of the Supply Bill from the Public Account to enable the Treasurer to make such temporary advances as may be necessary. I shall make some further reference to that aspect as I proceed.

Schedule B discloses the total amounts of money made available from the Consolidated Revenue Fund to Parliament, to the various Ministers in administering their portfolios, and to public utilities generally.

I naturally have a personal interest in the allocation under the heading of Minister for Police, Minister for Transport, and

Minister for Railways. It is not as high as I had hoped for and never is, I believe. In times of financial stress, however, the nonrevenue producing departments rendering specific services to the community are no doubt first to fall under the axe.

The Bill also makes provision as I have already indicated for the grant of further supply of \$35,000,000 from the Public Account for Advance to Treasurer which is to supplement the sum of \$5,000,000 already granted. Specific items within this category are mentioned in schedule C and reference will be found there also that the purpose of this allocation is to pay expenses of an unforeseen nature chargeable against the Consolidated Revenue Fund or the General Loan Fund. The appropriation may also include expenditure in excess of the provisions of any Loan Act pending statutory authority for the raising of such moneys and may also include expenditure on works and services pending provision being made in a Loan Act with such expenditure being charged to Loan Suspense Account to be submitted subsequently to Parliament for specific appropriation.

In this latter regard I would invite members' attention to schedule B which is an adjustment of the appropriation "Advance to Treasurer" for the financial year 1970-71.

In this connection I refer members to clause 3 (2) of the Bill which covers the total amount of \$17,808,254.20 granted to supplement grants in confirmation of the expenditure from the vote "Advance to Treasurer 1970-71".

Finally we come to the special provision which is a statutory one required under section 41 of the Forests Act and contained in clause 4 of the Bill, as detailed in schedule E. Under that section of the Forests Act it is necessary for a scheme of expenditure from the Forests Improvement and Reafforestation Fund to be submitted annually for the approval of Parliament and this is now being done in this Bill.

Overall, then, the Bill makes provision for the appropriation of moneys for the current financial year in accordance with the printed Estimates, copies of which are readily available to members.

I commend the Bill to the House.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.28 p.m.]: Two Bills have still to be introduced, and it could be my choice to speak on this Bill and also speak to the two other Bills which will follow. However, I have decided there would be little to gain in addressing myself to each measure and I therefore propose to say what I have in mind on the question of the Government's money Bills on this one,

the Appropriation Bill (Consolidated Revenue Fund). Even those remarks will be relatively brief.

I have been accustomed for the past 12 years to hearing Opposition members say words to the effect that the Bill before them was the biggest supply Bill ever passed through both Houses of Parliament. I suppose it has been appropriate for some members to repeat the statement each year as the supply Bills seemed to be bigger each year, and the Government appeared to have more money made available to it.

I think it is more appropriate that the expression be used on this occasion. More money is available to the State Government in the current money Bills than has been available in any Bills I have ever seen previously. Yet, the Government still cries poverty and still the Government claims it has not money for this and it has not money for that.

I think when the Government came onto the Treasury benches it was left with a very good foundation, despite the statements made by the Premier after the election that he did not know the state of the Treasury, and all that sort of thing, which I do not propose to go over again. There is a great deal of money available to the Government in this Bill and the two Bills that are to follow. Bearing that in mind, I hope the Government will expend the money wisely and that it will expend it where it considers the money is most needed.

I think there is a distinct possibility that if the indications I now see are fulfilled, at the end of its term the Government might go down in history as "the guarantee Government," because I notice in the Press that consideration is being given by the Government to extending Government guarantees in a number of places. One has already been given in connection with the Yundurup canals project. I have read of a guarantee in the order of \$8,000,000 or \$9,000,000 which will be given to the United Farmers and Graziers Association in conjunction with the Trades and Labor Council. I do not know what others may follow.

I only hope and trust that if the Government in its wisdom sees fit to enter into this sort of guarantee its judgment will be sound and that the balance sheets of these organisations will finish up in the blue rather than in the red, because if they finish up in the red the taxpayer will have to foot the bill. At this point of time I will say no more about that subject because I do not think it is necessary. I am sure whatever I might say would not deter the Government from entering into this type of agreement if it thought it should.

I say quite seriously, in the interests of this Chamber, that between now and the commencement of the next session in March I think the Government should sort itself out in relation to ministerial respon-

sibility in this House. I note in the Press that the Government intends not to proceed with its plans for legalised bingo. I do not wish to be misunderstood. I do not think it is of any great consequence whether or not bingo is legalised. I made myself quite clear on that point when I spoke to the Bill. However, it disturbs me to find that the Premier is reported to have said the Government will not go on with the plan to legalise bingo because the amendments made by the Legislative Council are unacceptable.

On page 1784 of *Hansard* No. 11 of 1971, when this Bill was being debated, Mr. Wordsworth interjected and asked—

Will bingo be allowed to be conducted on licensed premises?

The Chief Secretary answered—

Certainly not. Section 126 (1) (f) of the Liquor Act provides that a licensee who bets with any person, or suffers betting, gaming or the playing of unlawful games, or the conduct of lotteries on licensed premises, commits an offence. The provision is specific.

He then said to me, "The Leader of the Opposition has foreshadowed some amendments in relation to the playing of this game on licensed premises. I have had an opportunity to check these. I am satisfied with them and I intend to support them." The Bill then went through Parliament with the blessing of the Ministers in this House—without a division and with their concurrence. This was the second occasion in the space of a few days when there had been acquiescence, consent, or agreement by the Ministers in this House, only to find they were sat upon and pushed around, obviously by their Premier, who said, "We will not go ahead with that because we do not like the amendments made by the Legislative Council."

I suggest quite seriously that the Government should sort itself out so that we can have the assurance of knowing that when we have dealt with legislation and the Minister in this Chamber has said, "That is acceptable to the Government," his word is good. I am sure his word is good and that he intends it to be good, but he is obviously subject to being told by the Government that what he says is not good.

The Hon. G. C. MacKinnon: It must undermine their confidence.

The Hon. A. F. GRIFFITH: I do not think this is fair. I was upset to find the Leader of the House placed in the same sort of position the other day. I do not think the Government is being fair to the Ministers in this House, and it is certainly not fair to the members in this House. Certainly we have not seen eye to eye with the Government on every measure that has been introduced—that is not to be expected. I have not counted the number of Bills

that have been introduced into this Chamber in the last four or five weeks but I bet there were 40 or 50. We have worked hard and co-operated, even on Bills we have opposed. We have done our best; we have submitted ideas and put forward suggestions, which have been accepted in the spirit in which they were given.

The Hon. W. F. Willesee: That action is much appreciated.

The Hon. A. F. GRIFFITH: But when the legislation reaches the other end, we read this sort of thing. I am not worried in the slightest about bingo. I understand many commercial firms have bought dozens of sets of bingo which they will not be able to sell.

The Hon. R. H. C. Stubbs: I suppose they think they will live to fight another day.

The Hon. A. F. GRIFFITH: Will they live to fight another day or play another day? Or will they live to persuade another day?

The Hon. W. F. Willesee: Will they live at all?

The Hon. R. H. C. Stubbs: That will be in the lap of the Gods.

The Hon. A. F. GRIFFITH: No—in the lap of the Government.

The Hon. V. J. Ferry: There is quite a difference.

The Hon. A. F. GRIFFITH: It might be that I am overstressing the importance of this matter but I do not intend to do so. If the Ministers in this House are not able to say what is acceptable off their own bat and with responsibility, will they please consult the Government first? I am sure it is not an enviable position for any Minister on the front bench to find himself in when he has to retract. I am sure in the case of the legalising of bingo the Chief Secretary accepted in good faith the amendments I moved. It now seems something else has happened and the Premier has said this legislation will be dropped.

I repeat: It is not bingo that is important; it is the general acceptance of the principle of exchange of ideas, amendments, and thoughts between the Legislative Council and the Legislative Assembly. At the present time we in this Chamber are under some pressure. The eyes of the Press are upon us.

Yesterday I was asked to appear on a television programme. The gentleman who spoke to me said I would be aware that there was a strong feeling against the Legislative Council. I said, "Is there?" He invited me to appear on a programme and I was disinclined to go. I was not at home last night—as members will be aware, I was in this Chamber—but I understand I appeared on television last night. My wife saw the programme. I understand Mrs. Ruby Hutchison also appeared on the programme—not Miss

Lyla Elliott—and another gentleman who I do not think is even in the State at the present time.

What had happened was that something had been taken from an interview I gave months ago and put into a programme last night. It appeared obvious to my wife that the same thing had occurred in relation to the other two participants in the programme. I do not know whether the intention was to make it seem that I appeared on the programme last night.

The Hon. S. J. Dellar: How did you appear?

The Hon. A. F. GRIFFITH: I did not appear at all. I was here, and if the honourable member was awake he would know I was here.

The Hon. S. J. Dellar: I did not mean it that way.

The Hon. A. F. GRIFFITH: How did I appear on television?

The Hon. S. J. Dellar: Yes.

The Hon. A. F. GRIFFITH: I am sure it would have been very good. If the honourable member really wants to know how I feel when I appear on television, I think it is sometimes a devastating experience; it is quite unnerving.

I mention this because it runs with the general thinking and the appreciation of the job of work this House does. The Legislative Assembly has found comfort in accepting many of the amendments this House has made to Bills. I think we have improved the legislation in the proper spirit—the two Houses acting with the proper bicameral spirit.

The Hon. W. F. Willesee: There have been over 60 in this short session.

The Hon. A. F. GRIFFITH: I recommend to the Ministers on the front bench that they report to their Premier the difficulty in which they find themselves when he or the Ministry is so ready to override the acceptance they have given to us. I hope the Ministers will accept what I have said not as caustic criticism but simply as advice, and so that members will be better able to appreciate the effort of the three men who occupy the ministerial bench. I support the legislation.

The Hon. W. F. Willesee: I think the point is well taken.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.42 p.m.]: The Leader of the Opposition has been provocative in some of the statements he has made. I do not intend to take him up on them but I would remind him that the Ministers of the present Government who are in this Chamber are in a position in which he never found himself. They are faced with a majority in Opposition, so that their legislation can be changed around in a manner which was not experienced by the Leader of the Opposition when he was in Government.

The Hon. A. F. Griffith: It was changed around and we had conferences.

The Hon. R. F. CLAUGHTON: It was not changed in the same way. There were times when he accepted amendments from the Opposition, and I always appreciated that, but it must be borne in mind that he was in a different situation from that in which the present Ministers are placed.

I want to mention two matters in the Estimates of Revenue and Expenditure. On page 55, under the expenditure of the departments of the Treasurer and Minister for Forests and Tourism, there is an amount of \$4,000 for the Family Planning Association of Western Australia. Members will know I have been closely associated with that body, and I want to state the objectives of the association because I think there may be some misunderstanding about what it seeks to do.

This is part of a world-wide movement through the United Nations and the international Planned Parenthood Federation. Each State of Australia except Queensland and Tasmania has a Family Planning Association. Some medical people have misunderstood the objects of the association and feel that the association is attempting to take over part of their role. Although I cannot speak officially for the association, I know it would strongly deny this. The association is seeking to fill a special place in the community, in the same way as the National Heart Foundation, the Cancer Council of W.A., and the infant health clinics.

The objects of the association are as follows:—

- (1) To promote responsible parenthood, a healthy family life and marital happiness, and the birth and upbringing of healthy children.
- (2) To relieve poverty and to prevent ill-health in the special field of family life.
- (3) To attain the preceding objects by the provision, under qualified medical direction, of Family Planning Centres and Clinics, at which medical counselling, advice and instruction may be given on—
 - (a) family limitation and the spacing of the birth of children by scientific methods of contraception;
 - (b) sub-fertility;
 - (c) difficulties connected with marital relationships for which such advice is appropriate;
 - (d) preparation for marriage in the field of family planning.

- (4) To assist in community education concerning human relationships and marital happiness by means of—
 - (a) lectures or courses of lectures given publicly or privately;
 - (b) publication and distribution of suitable literature;
 - (c) the use of newspapers, television and radio and the screening of educational films.

- (5) To co-operate with other societies having similar objects.

- (6) To promote such legislative, social and administrative reforms as may be relevant to the objects of the Association.

The association helps people plan their families with advice from medical practitioners. These are not people with limited qualifications to whom Mr. Willesee referred the other night. They are professional medical people and fully qualified in this particular field.

If a person is attending his own family doctor and is receiving satisfactory family planning advice, there is no need for that person to attend the family planning clinic. However, if it is difficult to obtain this advice—and there are cases where this happens—the family planning clinic will fill the gap.

The association will first of all contact medical practitioners in a district where it seeks to become established. It will explain its aims and seek the co-operation of the medical practitioners.

I mentioned amongst the objects that the association will assist couples who are preparing for marriage in family planning. This means that young people would come to the association before they were married to prepare themselves for this estate. Differences of opinion have been expressed on the subject as people sometimes feel we should not give advice on contraceptives to single girls. I would like to explain this is not a birth control clinic, nor does it distribute free contraceptives. Its aim is to give advice to responsible people who are seeking ways to plan their families. If a single person comes to the association it will give him advice because otherwise it would evade its responsibility.

The second broad spectrum of the objects is in relation to education. Assistance in this regard will be through a course of lectures to schools or community organisations. A training programme will be set up for the people who will work in the clinics and the association is hopeful that in time it will become a training centre for the South-east Asian area.

I would like to express my appreciation to the Government for making this sum of \$4,000 available to set up the first clinic.

It is hoped that the experience gained in the clinic will provide a firm basis to enable clinics to be established in other areas. The association has been approached for assistance from widely scattered areas but unfortunately its sphere is limited at the moment.

The second matter I wish to refer to is Educational Research under the heading of Premier and Minister for Education. The vote for 1970-71 was \$26,000, of which \$16,034 was spent. The vote for 1971-72 is \$21,000.

I have spoken on this subject on a previous occasion. I feel that the State does not involve itself sufficiently in educational research. I previously spoke about the need for special attention in the way of research into education for Aboriginal children and handicapped groups. It has been stated that we make sufficient use of the national organisation, the Australian Council of Educational Research. However, I do not believe this is so.

Research should be undertaken into the best teaching methods to adopt in cluster schools. I believe sometimes teachers are taken from conventional classrooms straight into cluster schools. This is unfortunate for the children because the opportunities available to them are not being fully utilised. I do not blame the teacher; I blame the department. It is the job of the department to ensure that the teachers make the best use possible of the available facilities and to carry out research to improve methods of teaching.

Even now there is not sufficient research into school design. I was told by an architect involved in the design of the cluster school that this was not planned—it was a happy chance. A particular young man happened to be sent overseas to investigate school design in other countries.

The Hon. G. C. MacKinnon: With due respect he does not know what he is talking about. There was no happy chance about this—it was a special programme which involved sending a man overseas to study developments.

The Hon. R. F. CLAUGHTON: This came out in a private conversation recently.

The Hon. G. C. MacKinnon: You should not have reported it; it was wrong.

The Hon. R. F. CLAUGHTON: If the honourable member can prove this was a concerted programme and the result of research in school design, I will be the first to retract my comments.

The Hon. G. C. MacKinnon: Go and ask Mr. Camm—he is the principal architect.

The Hon. R. F. CLAUGHTON: I very much doubt if this is true.

I do not see how a great deal can be accomplished with an expenditure of \$16,000 for educational research. It must be remembered that part of this money is spent on in-service training. This is an inadequate sum to spend on the in-service training of thousands of teachers, and education research. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.56 p.m.] I thank the Leader of the Opposition and Mr. Cloughton for their remarks. I would also like to support my leader in his expression of thanks to the Leader of the Opposition and the members of the House for their co-operation during the session. We have had a few arguments but this is only to be expected.

The Hon. A. F. Griffith: I promise you one thing—we will have some more.

The Hon. J. DOLAN: The Leader of the Opposition referred to the fact that we could go down in history as "the guarantee Government," and he laid particular stress on the word "guarantee." Might I say on behalf of my parliamentary colleagues that we guarantee at all times to do our best in the interests of the State and the people. If this does not come up to the aspirations or wishes of others, it is not because we are not trying to do our best. 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 The Hon. J. Dolan (Minister for Police), and passed.

QUESTIONS (5): ON NOTICE.

1.

ADVERTISING

Need for Control

The Hon. N. McNEILL, to the Chief Secretary:

(1) Is it correct that a Committee was appointed by the Government to enquire into and report upon outdoor advertising and the necessity for control?

(2) If so—

(a) when was the Committee appointed;

(b) what is the representation on that Committee;

(c) has the Committee completed its enquiries and submitted its report;

- (d) If the report has been received, what action does the Government contemplate in order to implement the recommendations, if any, contained therein?

The Hon. R. H. C. STUBBS replied:

- (1) No. At the instigation of the Hon. Minister for Local Government at that time discussions took place between the various authorities interested and the industry, to review the methods of control of outdoor advertising.
- (2) (a) Nominations for representatives to join in the discussions were requested on 8th August, 1967.
- (b) The following Departments were represented at the discussions: Local Government, Police, Main Roads, Town Planning, W.A. Government Railways. The Local Government, Country Shire Councils and Country Town Councils Associations and the Outdoor Advertising Industry were also represented.
- (c) No. A report is in the process of compilation.
- (d) See (c).

2. MEDITERRANEAN FRUIT FLY

Marketing of Infested Produce

The Hon. V. J. FERRY, to the Leader of the House:

- (1) Is the Department of Agriculture aware that Mediterranean Fruit Fly infested capsicums grown in the Carnarvon area are being marketed in the metropolitan market?
- (2) Are there any restrictions on the movement of these capsicums throughout the State?
- (3) If so, what are the restrictions?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) and (3) Infested capsicums are destroyed when intercepted. Two lines from Carnarvon have been intercepted and destroyed at the Perth Metropolitan Markets. There are no restrictions on the movement of non-infested capsicums.

3. SHEEP

Population in Esperance District

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Is the Minister for Agriculture aware that the latest annual report of the Australian Meat

Board contains a map showing sheep distribution and export works?

- (2) Has he noted it shows a sheep population of approximately one quarter of a million for the Esperance district?
- (3) As at least one overseas company interested in building abattoirs in this State, has used this map for information, has he requested its correction?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) Yes, so far as can be interpreted from the map.
- (3) The discrepancy between the actual sheep population at Esperance and that apparently shown on the map, has been drawn to the attention of the Australian Meat Board which advised that the map was merely provided as a general indication of sheep numbers throughout Australia.

4.

EDUCATION

Grants to Country Schools

The Hon. D. J. WORDSWORTH, to the Leader of the House:

While appreciating that the granting to some country schools of up to \$100 annually for travelling to school sports is of great assistance in isolated areas, would the Minister consider the use of some of this sum allotted being used for more cultural purposes?

The Hon. W. F. WILLESEE replied:

The sum allocated in the Budget for this purpose is sufficient only to meet the estimated costs of transport to interschool sports functions. The estimates are based on the expectation that only a few schools will require the full subsidy of \$100. If the schools were given the option of spending the money on some cultural activity, the amount required would be far in excess of the sum provided in the Budget.

5. ROAD BUILDING MACHINERY

Purchase by Government Departments

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

With reference to the replies to my question on Thursday, 9th December, 1971 relating to the purchase of machinery—

- (a) has this type of plant been purchased by any other government department;

- (b) if so, could the Minister please supply details of such purchases on similar lines to my previous question?

The Hon. W. F. WILLESEE replied:

(a) Yes.

(b) Main Roads Department—

321 items of plant and equipment.

\$1,616,083.

Principally to replace obsolete departmentally owned equipment and includes some additional plant.

Railways—

2 rubber tyred 4 wheel drive bulldozers.

1 rubber tyred 4 wheel drive end loader.

\$101,163.

For replacement of existing equipment.

Forests Department—

3 secondhand front end loaders.

\$10,000.

For replacement of existing equipment.

ENVIRONMENTAL PROTECTION BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

LOAN BILL

Receipt and First Reading

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

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.08 p.m.]: I move—

That the Bill be now read a second time.

This is the Bill that is introduced annually for authorising the raising of loans required for the financing of works and services which are detailed in the Estimates and Expenditure from the General Loan Fund.

The printed Estimates are available to members for their perusal so there would be no particular purpose in my spelling out the details which are contained in that document. I shall accordingly direct my remarks in the introduction of this measure, in the main, to certain aspects of loan raisings.

The public borrowings of the Commonwealth and each State Government are co-ordinated by the Australian Loan Coun-

cil which is constituted under the 1927 Financial Agreement between the Commonwealth and the States.

The Loan Council determines the annual borrowing programmes of the Commonwealth and the States, together with the terms and conditions under which loans are to be raised.

Subject to the decisions of the Loan Council, the Commonwealth arranges new borrowings, conversions, renewals, redemptions of existing loans, and the consolidation of the public debts of the Commonwealth and State Governments.

The Loan Council also determines the aggregate borrowing programme of semi-governmental and local authorities raising more than \$300,000 in a year, under what is known as the "Gentlemen's Agreement" originally entered into in 1936. Individual loans raised by each of these authorities are subject to Loan Council approval.

The Loan Council has not, since 1962-63, set an overall limit on the borrowings of authorities raising \$300,000 or less in a year.

For the financial year 1970-71, the Loan Council approved a borrowing programme of \$623,000,000 for State works and housing projects which were financed from—

| | |
|---|-------------|
| | \$ |
| Cash loans in Australia .. | 320,000,000 |
| Special Bonds in Australia .. | 73,000,000 |
| State Domestic Raisings .. | 15,000,000 |
| Overseas Loans .. | 15,000,000 |
| Commonwealth subscriptions to a Special Loan .. | 200,000,000 |

The Commonwealth, in addition, provided the States with an interest-free capital grant of \$200,000,000 financed by a contribution of \$117,000,000 from the Consolidated Revenue Fund of the Commonwealth and the issue of Treasury Notes totalling \$83,000,000.

The State works and housing borrowing programme was fixed at \$650,200,000 at the June, 1971 meeting of the Loan Council. The Commonwealth Government, in addition, agreed to provide \$209,800,000 by way of interest-free capital grants to finance nonproductive capital works such as schools and police buildings. Western Australia's share of the borrowing programme is \$60,720,000 and we shall receive an amount of \$19,600,000 as an interest-free capital grant. Details of the allocation of the grants are shown at pages 13 and 15 of the Loan Estimates to which I previously referred.

The borrowing programme for semi-governmental and local authorities raising amounts in excess of \$300,000 was fixed at \$426,700,000, of which Western Australia was allocated \$24,600,000.

Authority is now being sought in this Bill to raise loans amounting to \$74,200,000 for the purposes listed in its schedule.

It is to be noted that provision has been made for authority to raise up to \$10,000,000 by way of short-term advances, to meet expenditure pending the receipt of revenue. This authority is sought to enable the Government, should the need arise, to apply to the Commonwealth for issues of Treasury Bills for this purpose.

I should mention in particular that the new authority provided for each item does not necessarily coincide with the estimated expenditure for that particular item during the current year.

Unused balances of previous authorisations have been taken into account and in the case of works of a continuing nature sufficient new borrowing authority has been provided to permit these works to be carried on for a period of approximately six months after the close of the financial year.

This is the usual practice. It ensures that there is continuity in the progress of works pending the passing of next year's Loan Act.

Details of the condition of various loan authorities are set out in pages 12 to 15 of the Loan Estimates. These pages also detail the appropriation of loan repayments received in 1970-71.

Provision for the payment of interest and sinking fund is another important authorisation in the Bill. It charges these payments to the Consolidated Revenue Fund and no further appropriation is required from Parliament.

I commend the Bill to members.

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 The Hon. W. F. Willesee (Leader of the House), and passed.

APPROPRIATION BILL (GENERAL LOAN FUND)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.17 p.m.]: I move—

That the Bill be now read a second time.

In explaining the Treasurer's initial General Loan Fund Appropriation Bill it is my intention to be quite brief, as is the custom.

Its general purpose is to appropriate from the General Loan Fund the sums required to carry out the capital works detailed in the Loan Estimates. Copies of the printed Estimates are available to members.

The measure also makes provision for the grant of supply to complete requirements for this year. Supply amounting to \$30,000,000 has already been granted under the Supply Act which was passed quite early in the first session. A further supply of \$58,894,000 is allowed in this Bill which is now under consideration.

The total sum of \$88,894,000 is to be appropriated for the purposes and services expressed in a schedule to the Bill. The main categories of loan expenditure are set out in schedule B.

In addition to authorising the provision of funds for the current year this measure seeks also the ratification of amounts spent during 1970-1971 in excess of the estimates for that year. Details of these excesses are given in schedule C, wherein the figure of \$3,995,955.50 is broken up into the several categories applicable.

I commend the Bill to the House.

THE HON. D. J. WORDSWORTH (South) [5.19 p.m.]: I take the opportunity this Bill affords to comment on a few items which concern my electorate. My first thought about the Bill is that it will probably raise our public debt in this State to the billion-dollar mark, but I still wish to draw the attention of the Government to a few items which concern me.

Firstly, I would like to commend the Government for the work it has done in Albany and the decision made to extend the standard gauge railway line to Esperance. I am happy about the allocation for the extension of the port authorities at Esperance and Albany, and also for the abattoirs, although I understand that the money for abattoirs is for work already under way at both Midland and Robb Jetty.

What does concern me is the deferment of some of the country town water supplies in my electorate. I do not know whether the Government is of the opinion that a mass exodus of people will occur from country areas, because I have received numerous letters from country shires, but I will mention two in particular; that is, Gnowangerup, in which shire the Bremer Bay extension has been postponed and, once again, Lake Grace. The water supply situation at Mount Barker is also very serious. Survey work has been carried out for a pipeline to that town and I hope that in the coming year the Government will see fit to extend the water supply to Mt. Barker as well as to Tambellup and Cranbrook.

The water supply has been extended to Dumbleyung, but the people at Kukerin are still waiting hopefully. I trust the Government will see its way clear to supply the extension as well.

The other matter to which I wish to draw the Government's attention is the lack of forestry research on the south coast. Extensive work is being carried out in the Perth area and a great deal of window dressing is evident as one travels down Albany Highway where, in some places, work has been carried out on strips only a couple of yards wide. But very little research work has been done on the south coast where the climate—particularly on the sandy coastline country—is very similar to the areas in New Zealand and South Australia where pine plantations have been established.

I was very disturbed to discover that the forestry reserve in Esperance, which had originally been set aside for research work, has been leased to a nearby farmer. Obviously the department has abandoned all ideas of extension work in the south-east. This is disturbing, especially in view of the present rural recession. If forests could be established in this area it would give employment opportunities which are so essential because of the difficulties being experienced in the rural industries. Therefore, I hope the Government will consider the extension of forestry into this area in order that farmers who are in difficulty might work in the industry. At present they are getting no help from the Government in this respect.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.24 p.m.]: When speaking on the Address-in-Reply debate last night I said I wished to discuss several other points, but because of the lateness of the hour I would leave them until a later occasion. It would appear that today I am again working against the clock.

The Hon. L. A. Logan: We'll give you five minutes.

THE HON. CLIVE GRIFFITHS: As a result I will necessarily be brief, but I would like to bring to the attention of the Government a serious situation which it is creating. I refer to the employment of private enterprise on our main roads. Several individuals have asked me to make inquiries concerning the Government's policy on the discontinuance of the use of private enterprise for this purpose and its replacement by day labour. Yesterday I asked some questions on this subject, but apparently they were not worded correctly.

I was under the impression that the Public Works Department bought all the road-working machinery for the State Government, so I asked the following questions:—

- (1) What road building machinery, such as graders, front end loaders and bulldozers, have been pur-

chased by the Public Works Department during the last nine months?

- (2) What is the total value of such equipment purchased during this period?
- (3) Was this equipment purchased to replace existing Public Works Department machines, or was it purchased to take the place of machines previously hired from private owners or operators?

However, because I referred to the Public Works Department, the information in the answers did not correspond with other information I had been given, and particularly was this so in regard to the number of pieces of equipment and the amount spent on them.

The answers to subsequent questions confirmed that I was incorrect in my assumption that the Public Works Department purchased all Government equipment because it is purchased by various departments including the Main Roads Department, the Railways Department, and the Forests Department.

I wish to deal with the Main Roads Department because it is in this department day labour is taking over from private contractors. I wanted to ascertain how much this Government had spent during its present lifetime on plant and equipment and I was told the amount was \$1,616,083. The Minister indicated that this was spent principally to replace obsolete departmentally-owned equipment and to purchase some additional plant. I do not know how much was spent on the additional plant.

The point I am making is that over the last 12 years, because of the policy of the previous Government, private enterprise was employed to carry out most of the road works for the Main Roads Department, particularly in the outer areas of Western Australia, but private enterprise is now being replaced by day labour. In some instances the private contractors have been given as little as three days' notice that their services will be no longer required. This is not right in view of the fact that right up to the present time they have been encouraged to upgrade and update their equipment. In some instances thousands of dollars are involved in the equipment and now they find themselves, after two or three days' notice, to be out of work and with no prospect of obtaining work in which they can use their expensive equipment. The Government should reconsider this policy.

I have here information concerning the hourly rates charged by the private contractors and the rates for which the work can be done under day labour, and it appears that day labour rates will involve the Government in far more money than

if the work were done by private contractors. In addition to this of course the Government has spent over \$1,500,000 in the last nine months on new equipment while these private contractors already have the equipment which now they will be unable to utilise particularly in view of the fact that the farming community is no longer in a position to employ them.

As a result the Government is creating a big pool of unemployed contractors with a big pool of unpaid-for roadmaking equipment. It is a pretty sorry state of affairs that after years of loyal service by these people to the various departments their services can be dispensed with on a few days' notice.

I have brought that matter to the attention of the Government. I will follow it through at a later time and say more about it then. I have made the point now and I hope the Government will look at it.

I cannot allow this opportunity to pass without mentioning a subject which I have discussed in every session of Parliament since I have been a member. In one speech or another I have made some mention of the State Housing Commission forcing people to live in high density housing against their will. If I did not mention this subject today I would be creating some kind of a record which I certainly do not intend to do.

For five years before the State Housing Commission started to build the monstrosity at Bentley I sounded a note of warning. I had gathered evidence from all over the world and certainly from every housing authority in Australia. I presented and represented that evidence, because all the facts indicated that this way of life is unacceptable to the majority of Australian people. Certainly it is unacceptable to the people who, because of their income bracket, are eligible to receive assistance from the State Housing Commission. I warned and rewarned the Government. Indeed I made the statement that members of a Government which allowed such a project to commence would go down in history as the perpetrators of the worst possible slum and as the ones who imposed the greatest possible penalty on the people of Western Australia.

The Hon. G. C. MacKinnon: We can all remember it.

The Hon. CLIVE GRIFFITHS: I repeat that statement because it has now been proved. The project at Bentley is finished. There are many fine families living in the Bentley project who are grateful for the accommodation they have received, but there are equally as many people who live there against their will. They do not wish to live in this type of accommodation and endure the problems which are associated with high density living. The problems arise through several thousand people

being thrown together; they have practically no privacy in their accommodation. We should not expect people to live in this kind of accommodation if they do not want to.

Their only crime is that they are poor and unable to afford to pay the prices for private accommodation which is available in our State. In consequence of their poor financial circumstances we are condemning them to a life of misery. I condemned the previous Government for high density housing and I said I would live to see the day when I would be able to say, "I told you so." I do not want to do that because I have regard and sympathy for the people who are forced to live in this kind of environment against their will.

I want to make one other point, too, because my attitude to high density living was mentioned by a member in a speech he made the other day. I want to restate that I have absolutely no objections to high density living, provided the people who live there do so of their own free will. I have made that statement before, but I have repeated it for the benefit of members who, for some reason or other, may not have understood my attitude and thought that I condemned all high density living.

I believe people ought to have freedom of choice and not be condemned to live, against their wishes, in something they would not choose for themselves simply because they cannot afford anything else.

Most of the problems I forecast would occur have, in fact, occurred and are recurring every day. I have already said that many fine families live at Bentley, but they are subjected to all kinds of—

The Hon. L. A. Logan: Indignity?

The Hon. F. R. White: Would you call it social pollution?

The Hon. I. G. Medcalf: Psychological pollution.

The Hon. CLIVE GRIFFITHS: —social and psychological pollution. That is precisely what it is. I have said before that once a bad apple is placed in a barrel it is not long before the remaining apples in the barrel go bad. Unfortunately this is what often occurs with high density living.

The unfortunate fact is that we are stuck with the project. This is what I said five years before the State Housing Commission started to build the confounded place. I knew that once it was built we would not be able to get rid of it. The project cost \$5,000,000, or thereabout and we certainly could not afford to demolish it; instead, we choose to condemn the people forever. I know the Government would not contemplate bulldozing something which cost \$5,000,000 and building the sort of houses which people want and choose to live in if, in fact, they have a choice. I become furious every time I think of this.

I represent the area in which the Bentley project is located. I am frequently called upon by people who are being forced to suffer against their will because they must live in this place. Their clothing is stolen from the lines and their sheets are taken from the drying rooms once their backs are turned. One lady was sweeping the area outside her front door when her baby started to cry. She went inside and when she came back her broom was gone.

The Hon. I. G. Medcalf: I thought you were going to say her baby was stolen.

The Hon. CLIVE GRIFFITHS: Is it right to subject people to this kind of thing? What amazes me is that we never seem to learn. People ridiculed me for five years on each occasion I spoke on this subject. I received absolutely no support from any quarter. Members laughed because they knew what Clive Griffiths was going to talk about and how he would condemn the Bentley project.

The Hon. C. R. Abbey: Some people took it seriously.

The Hon. CLIVE GRIFFITHS: Some may have, but certainly no-one took the trouble to support my point of view. Had more people spoken on this matter perhaps the Government would have adopted a different attitude. I gave the Government five years' warning; it was not as if I started to be vocal after the project had commenced. Therefore I consider there is absolutely no excuse for what has occurred.

I have previously mentioned, "That which belongs to all, belongs to nobody." This is the attitude which develops in such accommodation. I was at Bentley on one occasion, walking from one block of flats to another under a covered way which was constructed of a Brownbuilt steel canopy. All of a sudden I thought 40,000 atomic bombs had exploded because of the noise that occurred. Somebody on the 10th floor had casually tossed an empty beer bottle out of the window and it landed on the canopy. This is the attitude that so many decent people who live in the units are subjected to and the Government was responsible for subjecting them to it.

All I intend to say at the moment is that I hope the present Government will learn. A little while ago I said that we never seem to learn because we continue to build the same kinds of units which people do not want. People still come to me for assistance in housing although the problem is certainly nowhere near as great as it was in that fewer people are seeking assistance now than ever before during the period I have been a member of Parliament. They come to me and when I manage to have some accommodation allocated to them invariably it is in a block of flats in Lockridge or the new Langford area in my electorate. They still complain that they do not want this type of housing.

For these reasons I hope the Government will look again at the situation and decide to return to building the style of houses in which Australian people want to live; namely, a normal house where a person has his own piece of ground and minds his own business—a place where he does not have to put up with all the other people who live on his doorstep. I support the Bill.

THE HON. J. HEITMAN (Upper West) [5.41 p.m.]: I will not delay the House for very long. I would like to add to what Mr. Clive Griffiths had to say, not on the subject of high density housing, but on contractors who do road work.

My memory goes back quite a way and every time a Liberal Government has been in office it has pursued its policy of encouraging private enterprise and has allowed people to contract for work on main roads and other roads. Consequently, contractors build up a decent kind of plant and are given continuity of work. If they wear out one item of plant they purchase another. Every time there is a change of Government, the Labor Government follows its policy of employing day labour and makes itself responsible for this work. The contractors go by the board.

This has happened again and it is certainly not the first time. As I have said, it happens every time there is a change of Government. Even back in the 1920s men purchased small items of plant and went contracting on the roads. They found they lost their contracts and their plant each time the Government changed. In a few cases they found it necessary themselves to become employed in the day labour force.

I think the Government should look at the situation. It should consider that men with large plants should be kept going because these men also employ labour. It is a long way better for them to employ labour than to be employed themselves by the Government.

I do not know of any job done by the Government on a day-labour basis which has been economic, because no-one wants to work on a Government job. The Main Roads Department has large plant and machinery and can keep men gainfully employed. If it takes over the whole of the road works in the State we will not get very far with the amount of finance we are receiving for such road works. I endorse the remarks of Mr. Clive Griffiths on the subject of day labour for these reasons.

I now wish to mention another matter. During the year I had occasion to look into the question of how the Government finds finance to buy what might be called pool machinery on fairly cheap interest rates. This is a terrific idea, in my opinion, but it does not go far enough. It is used mainly in smaller areas where perhaps

three or four dairymen will club together to buy hay-making machinery in the nature of a pick-up baler, a mower, and hay rake. When I applied on behalf of seven or eight farmers who wanted to go in for this sort of thing I was told the fund was not for broadacre farmers. I was also told that the fund was so low that had the finance for the project I had in mind for the seven farmers been provided, the funds in the pool would have been eaten up.

I made other inquiries and found the pool had started with \$30,000 or \$40,000. With the haymaking machinery available today the farmer does not go about with a small pickup baler; he does not use a 6-foot mower or a side-delivery rake; he will use a hay conditioner and a windrower all in one. This certainly produces far more than the mower and the rake.

The fact remains, however, that the farmer by using these machines can bale hay more quickly—he can bale it in 24 hours—and the quicker the hay is baled the greater the protein content. If it is baled quickly it means that it does not have to stand out and dry and be subjected to weather conditions. When hay goes through the rubber rollers its condition is affected. By using a bigger baler than we had eight or nine years ago the hay could be made in one day.

Eventually the group to which I have referred bought a hay conditioner, mower, and swather, and these were used by the seven farmers in question.

If this machinery were available from the pool far better hay would be produced and apart from that—and as a result of several farmers using the machinery—a community spirit would be engendered and the work would be done far more quickly.

Accordingly I ask the Government to look into this matter to see whether it is possible to provide the necessary finance to purchase this machinery from the pool.

Another point to which I would like to refer is wheat quotas. The expert committee sat and inquired into the possibility of a new formula. We have had with us this question of wheat quotas for the last three years and I think that by this time the Minister would have received the formula from the expert committee. He may even have received two formulas. Every time an inquiry has been made there has been a majority finding and a minority finding, and I feel sure that any further inquiry will evince the same information.

We will find that the wheat quota committee will present a report and that a report will also be presented by the Department of Agriculture and by the farmers on the committee. Whichever report the Government intends to adopt it should notify the farmers without delay as to what their wheat quotas are likely to be for the following year. This is the time of the year the farmer grades and

pickles his wheat and gets it ready for the following year. Up till this time it has been a matter of by guess and by God as to how much wheat should be graded and how much is required for the following season's seeding.

Accordingly I ask that the Ministers in this House pass this information on to the Minister for Agriculture so that the farmers will know what their quotas are by January or early February. This will help them so long as they know the quota they have. They will know just how much wheat they should grow and how much profit they will receive.

The Hon. J. Dolan: The present Minister will let them know.

The Hon. J. HEITMAN: This is likely to be the last time I will be on my feet before the festive season and I would therefore like to wish you, Sir, and all members the compliments of the season. I would also like to thank each member of the staff for the many courtesies that have been extended to me throughout the year. The members of the staff are very kind to members of Parliament; one only has to ask to receive and I would certainly like to express my appreciation for all they have done for me during the session. I would like to wish everybody a very happy festive season.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.51 p.m.]: I would like to thank Mr. Wordsworth, Mr. Clive Griffiths, and Mr. Heitman for their contributions to the debate on this Bill. As members know the points they have mentioned are controlled by the portfolio of a Minister in another place but I will undertake to draw his attention to these matters and ask that appropriate answers be supplied to the questions raised.

I would like to be on common ground with my Leader and Deputy Leader and associate myself with the sentiments they have expressed in connection with the co-operation that has been extended by members of the Opposition.

I wish to thank all members of the House for the courtesies they have extended to me. Not all the Bills I have brought down have got through; though some have emerged a little battle-scarred. I wish all members well for the festive season.

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 the Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

Sitting suspended from 5.55 to 5.59 p.m.

CONSUMER PROTECTION BILL

Assembly's Message

Message from the Assembly received and read notifying that it agreed to amendments Nos. 2 to 6 made by the Council and had agreed to No. 1 subject to a further amendment.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

The DEPUTY CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

Clause 6, page 4, lines 1 and 2—Delete paragraph (g) and substitute the following:—

(g) One shall be an appointee of a union or society of employers.

The further amendment made by the Assembly is as follows:—

Substitute for the words "an appointee" in paragraph (g) the words "a member".

The Hon. W. F. WILLESEE: I move—

That the further amendment made by the Assembly be agreed to.

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

Report

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

ADJOURNMENT OF THE HOUSE: SPECIAL

Complimentary Remarks

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [6.03 p.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the President.

I think it will be of some interest to members to have recorded what has happened during the first and second sessions of this Parliament. In the first session 36 Bills were introduced. In the second session 50 Bills were introduced and 14 of the original 36 Bills were restored to the notice paper. So we passed 17 Bills in the first session and 54 Bills in the second session; a total of 71 Bills.

Mr. President, I begin by congratulating you on your long term of office. You were elected in July, 1960, and you have seen many members come and go. You have maintained the discipline and dignity of the House over those years at great credit to yourself. I would like also to pay a tribute to the Chairman of Committees

(The Hon. N. E. Baxter) and his deputies (The Hon. F. D. Willmott, The Hon. R. F. Cloughton, and The Hon. J. M. Thomson). I was pleased to see Mr. Willmott take his seat in the dying stages of this session because he is an asset to the Parliament and I like to have him about the place.

I extend my personal appreciation to the Government Whip (The Hon. R. Thompson) who is always available when I need him most. He is most helpful, constructive, and effective. I have no doubt at all that The Hon. Jack Heltman performs the same task for the Leader of the Opposition. Without those men we could not function as efficiently as we do. Perhaps they could make us work a little harder if they tried, but it is always nice to be able to turn to my Whip and ask for help. The Whips provide the necessary help efficiently and effectively.

I extend a deep sense of gratitude and sincere thanks to my Ministerial colleagues. The Rock of Gibraltar is on my right. I have never had a greater shoulder to cry on. In the years I have been associated with Jerry Dolan I have never known him to shirk a responsibility. When the chips are down I am always able to depend upon him. My limited vocabulary does not allow me to do justice to the work this man has done for Parliament and for his party. I cannot describe how much he has helped and supported me over the years. To him I owe a debt of appreciation I could never repay.

It seems that the lives of Mr. Arthur Griffith and myself have become entwined; occasionally we exchange seats, and on many occasions we speak vociferously to each other. With each passing year I feel our friendship grows greater. I think it is a great thing that we have political opponents of the great capacity of this man. He instils into one a feeling that all is not lost. Whilst our political opinions differ, the function of democracy causes a scissor-like movement, and it is nice to know when we are in Opposition that a man like Arthur Griffith is at the helm.

I extend by best wishes to Mr. MacKinnon, who was an outstanding Minister, and also to Mr. Logan. I have taken over some of the portfolios previously held by Mr. Logan, and I now realise the amount of work and the depth of knowledge which is required to handle those portfolios. In retrospect, I appreciate the work done by Mr. Logan; perhaps more than I did when I was on the other side.

To Mr. Roberts, Mr. Ashley, Mr. Hoft, and Mr. Hoar I extend my best wishes. We seem always to have that quartet led by—and I like to use this word—the impeccable Mr. Roberts. Never do we find him out of place, and never do we find a problem within the precincts of our Standing Orders he cannot solve. We also

appreciate the good offices of Miss June MacKinnon, although I saw very little of her this year.

I express appreciation to Mr. Whitley who steers new Ministers through turbulent times. I express my sincere thanks to the correspondence despatch section of this Parliament which functions efficiently and effectively. I have found this year that so much had to be done so quickly. To Mr. Burton and his staff, who look after our ever present inner needs, I extend my sincere thanks for the courteous and efficient way they discharge their duties.

I thank *Hansard* for its sympathy, for its kindness in interpretation, and also for its mercy to the weak. I am sure the members of the Press report us well and faithfully, and I thank them for it. It is not always their fault that we are sometimes misinterpreted. I am sure it is not of their doing.

Mr. President, I wish you and your wife, and all members of this Chamber and their families, a very happy Christmas and a healthy and prosperous new year. I am most grateful for the way I have been treated this year.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [6.12 p.m.]: I am glad of the opportunity to support the remarks made by the Leader of the House. If he and his colleagues feel anything like the way I and my colleagues used to feel at about this time of the year, then I can appreciate exactly what they feel. When the legislative programme for the year is concluded I am sure that all members, but particularly Ministers, are very tired after their strenuous work. We have had two busy sessions this year, and I was most interested to hear Mr. Willesee say that so many Bills had been dealt with in the second session of this Parliament.

May I be forgiven, Mr. President, if I do not go one by one through the names of all those mentioned by Mr. Willesee. But by the same token I wholeheartedly endorse his remarks. I extend to you, Sir, and everybody concerned with the running and the conduct of this Chamber my thanks and very best wishes. I wish the Ministers well; I am sure they have had a trying time. However, I can promise them that this will be repeated next session; other tough times are ahead.

The Hon. W. F. Willesee: You have given me a pretty bright new year to look forward to!

The Hon. A. F. GRIFFITH: Mr. Willesee will have a good year, my remarks were not in any way threatening. I congratulate the Ministers on their conduct in the House and on the manner in which the business of the House has been attended to. I refer particularly to Mr. Willesee because his is not an easy task, as I well know. However, the Minister and his colleagues have

carried out their jobs with credit to themselves. I have always enjoyed the confidence of the Ministers opposite and I am sure the manner in which we work together—and I use that word collectively; I include all members—will continue to achieve a common objective.

I take this opportunity to acknowledge once again the gift of a diary that is presented to us at this time of each year by the Clerk and the staff. I accept that with thanks.

To you, Mr. President and to Mrs. Diver I wish you both a very happy Christmas and a prosperous 1972. To the Ministers, their wives and families; and to members and their wives and families I wish a very happy Christmas and an excellent 1972.

I conclude by thanking members of my own party for the assistance they have given me and for their willingness to work, to study, and to understand legislation. I refer to Mr. MacKinnon, Mr. Heitman (the Opposition Whip) and to other members of the Liberal Party.

There are a number of new members in the Chamber who, I am sure, have excellent political prospects ahead of them; and I wish them a long life in this Chamber.

THE HON. L. A. LOGAN (Upper West) [6.16 p.m.]: On behalf of my colleagues I endorse the remarks of the Leader of the House. He has enumerated all those to whom our thanks are extended, therefore there is no need for me to go through that again.

To the Leader of the House we all owe a debt of gratitude for the way in which he has handled the business of the House in the two sessions of 1971. I am sure that the Ministers in this House realise by now that appointment as Ministers of the Crown does not fall to the lot of many members, and it is a privilege to be so appointed.

I read some reports in the Press indicating that we in this House might have been naughty boys. However, the Leader of the House has mentioned the figure of 71 Bills that were dealt with by us in the last two sessions. According to my recollection I think only two were defeated, and in one case the Chairman was moved out of the Chair. Whilst Mr. Stubbs has said that one or two measures might have become battle scarred, I think that in general—and I am sure the Ministers will agree—the amendments made to the Bills in this House resulted in the measures being better pieces of legislation than when they were first presented to us.

I also appreciate the little diary which has been presented to members by the Clerk and the staff. It is very handy. Despite the fact that I am given seven or

eight each year I have stuck to the one presented by the Clerk and the staff and I use it all the time.

To you, Mr. President, and to Mrs. Diver, and to all those enumerated by the Leader of the House I extend the compliments of the season.

THE PRESIDENT (The Hon. L. C. Diver) [6.18 p.m.]: Before putting the question I take this opportunity to thank the Leader of the House, the Leader of the Opposition, and Mr. Logan, for their expressions of good wishes for the festive season. With a broad brush on a large canvas, but without enumerating all those mentioned by the Leader of the House, I endorse his remarks. The exception I make is to refer to the Joint House Committee of which I have had the honour to be the Chairman for many years. I take this opportunity of thanking all the members of that committee for their loyal service during the past year.

Finally I wish all members, their wives, and families, all the best for the festive season; and may they have a prosperous new year.

Question put and passed.

House adjourned at 6.20 p.m.

Legislative Assembly

Friday, the 10th December, 1971

The **SPEAKER** (Mr. Norton) took the Chair at 11.30 a.m., and read prayers.

ADDRESS-IN-REPLY

Acknowledgement of Presentation to Governor

THE SPEAKER (Mr. Norton): I desire to announce that, accompanied by the member for Toodyay (Mr. Moiler) and the member for Merredin-Yilgarn, (Mr. Brown), I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech at the opening of Parliament. His Excellency has been pleased to reply in the following terms:—

Mr. Speaker and Members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

In Committee

Resumed from the 9th December. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Minister for Education) in charge of the Bill.

The **CHAIRMAN**: Progress was reported on Division 33, Public Works and Buildings, \$13,891,000.

Vote put and passed.

Vote—Harbour and Light and Jetties, \$1,875,000—put and passed.

Part 9: Minister for Lands, Agriculture and Immigration—

MR. McPHARLIN (Mt. Marshall) [11.35 a.m.]: This part covers agriculture, and I think it is appropriate at this point to comment upon some aspects of agriculture in Western Australia. It is such a wide field that one could go on talking for hours about many of the departments connected with agriculture. This is, of course, a very important portfolio held by the Minister, covering the wheat industry, the cereal industry, the dairying industry, the fruit-growing industry, the beekeeping industry, and all the other industries associated with agriculture generally. It is one of the most important portfolios in any Government; one that has to be administered with a great deal of care and attention, and, no matter which Minister is in charge of it he will never be able to satisfy everybody, although farmers, generally, are fairly easy fellows to get on with and quite compatible in their attitude and thinking.

Mr. Graham: It is not the farmers, but their representatives, very often, who are not easy to get on with.

Mr. McPHARLIN: Nevertheless I want to make a few comments on some aspects of the wheat industry which, in the past few years, has met with serious difficulties. During one year we witnessed tremendous production and every State had a record harvest. As a result, we had such a tremendous surplus of wheat that something had to be done to control its production. This brought about the introduction of wheat quotas throughout the Commonwealth.

As members are aware, the sale of wheat overseas is controlled, to a point, by the International Grains Arrangement. This concerns a number of grain-growing countries which agree on certain aspects of the marketing of grain. This does offer protection to each of the contributing countries. Within Australia, of course, we have our own domestic stabilisation scheme and, to a point, this gives protection to the growers within the country. Recently, however, there was a breakdown in the International Grains Arrangement and some fears were held that the arrangement would not continue as it was and some chaos could be created.

On the 12th October, 1971, a headline in the Press indicated that a new plan had been agreed to. The report published in *The West Australian* stated that a Western Australian member of the Australian Wheat Board, Mr. McDougall, had said