Legislative Council

Tuesday, the 9th May, 1972

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

BILLS (6): ASSENT

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

1. Western Australian Marine Act Amendment Bill.
2. Presbyterian Church of Australia Act Amendment Bill.
3. Education Act Amendment Bill.
4. Parks and Reserves Act Amendment Bill.
5. Beekeepers Act Amendment Bill.
6. Bee Industry Compensation Act Amendment Bill.

QUESTION WITHOUT NOTICE

PRISONS

Garry Meadows' Show: Drug Allegations

The Hon. R. J. L. WILLIAMS, to the Chief Secretary:

(1) Is he aware that the Garry Meadows' Show of 6PR, on the morning of the 8th May, 1972, contained a segment during which allegations were made that massive doses of tranquillising drugs were being administered to prisoners in the Fremantle Prison, having effect on one man to the extent that he has served an 18 months' sentence without being aware of it?

(2) If not, would the Minister call for the tapes of this segment of the show and give members of this House the true facts about this disturbing and serious allegation?

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

I wish to thank Mr. Williams for informing me in advance of his question. I have not heard the Garry Meadows' Show he has mentioned, but I will certainly call for a tape of it to ascertain the truth of the allegation. I am rather surprised about this allegation because there is a doctor and two psychiatrists at Fremantle Prison. However, I will obtain the information asked for by Mr. Williams and certainly relate it to the House.

ROCK LOBSTER INDUSTRY

Freezer Boats: Ministerial Statement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.41 p.m.]: Mr. President—

The Hon. A. F. Griffith: Is the Leader of the House going to ask a question without notice?

The Hon. W. F. WILLESEE: No, I am not. Mr. President, I understand this is the proper time to make a ministerial statement.

The Hon. A. F. Griffith: The President asked if there were any more questions without notice, and you rose in your place.

The Hon. W. F. WILLESEE: Mr. President, is this the proper time for me to make a ministerial statement, because there are no further questions without notice?

The PRESIDENT: That is so; you may proceed.

The Hon. W. F. WILLESEE: Mr. President, I ask leave of the House to make a ministerial statement.

The PRESIDENT: The Leader of the House has asked for leave to make a ministerial statement. Is there a dissentient voice? As there is no dissentient voice, leave of the House is granted.

The Hon. W. F. WILLESEE: Mr. President, Mr. Ronald Thompson asked a question on Thursday, the 16th March, 1972, and I advised him that the question was being considered by the Minister for Fisheries and Fauna at that time and that a detailed statement would be made to the House within this session of Parliament. The statement has been prepared and I now have it before me. It is a fairly lengthy document consisting of four foolscap pages and I ask leave of the Council to table it.

The document was tabled.

QUESTIONS (5): ON NOTICE

1. TOTALISATOR AGENCY BOARD

Audit of Accounts

The Hon. A. F. GRIFFITH, to the Minister for Police:

(1) What cost is involved in the conducting of the audit of the accounts of the Totalisator Agency Board under the current procedure?

(2) What would be the cost in the event of the audit being carried out by the Auditor-General's Department?

The Hon. J. DOLAN replied:

(1) The present audit is in two parts and the costs are as follows:—

(a) General Audit $3,200 per annum,

(b) Internal Audit $2,000 per annum.

(2) In order to be in a position accurately to state the cost, the Auditor General would require to have the position properly appraised and evaluated. He believes the cost of a general audit of accounts would be approximately $6,000. Any additional cost to the Totalisator Agency Board for audit requirements would depend upon the extent of computerisation and the strength and adequacy of internal controls existing and cannot be estimated without examination. It is incumbent upon the Totalisator Agency Board to ensure that, irrespective of audit requirements, there exists completely adequate and operative internal controls and the cost of this is not to be loaded on to the audit cost.

2. FLUORIDATION OF WATER SUPPLIES

Report

The Hon. G. C. MacKINNON, to the Leader of the House:

(1) On the 20th April, 1972, in answer to questions with regard to the Research Officer's enquiries into fluoridation, advice was given that he was concerned with "attitudes to fluoridation in various parts of the world"; and in answer to a subsequent question, it was stated that the Government's "concern is whether fluoride's effect is sufficiently selective"—could I be advised please as to which answer is correct?

(2) Does the phrase "various parts of the world" mean places selected by the research officer, or does it mean those places where properly supervised and authoritative research has been carried out?

(3) If, as has been stated, the research officer has no dental or scientific qualifications, who is assessing the scientific value of the opinions given to him?

The Hon. W. F. WILLESEE replied:

(1) Both answers are correct.

(2) The phrase means what it says. The search was made for authoritative information irrespective of whether it was considered likely to be in favour of or in opposition to the fluoridation of public water supplies.

(3) It is hoped that the scientific value of the opinions quoted in the report will be given due weight with regard to the standing of the scientists quoted.

3. TRANSPORT

Cattle Road Trains

The Hon. W. R. WITHERS, to the Minister for Transport:

(1) What is the cost of registering a maximum legal size road train in the north of this State, and how does it compare with the fee for Northern Territory trains that are carting Western Australian cattle in competition to local carriers?

(2) Will the Minister consider any concessions to give preference or equity to West Australian companies in the north, if there is disparity?

The Hon. J. DOLAN replied:

(1)—

MAXIMUM LEGAL ROAD TRAIN
(145 ft. overall length)

	Prime Mover (180 cwt)	Trailer 1 (160 cwt)	Trailer 2 (160 cwt)	Trailer 3 (160 cwt)	Total
License Fee—					
W.A.	$173.00	$150.00	$150.00	$150.00	$623.00
N.T.	136·80	112·00	112·00	112·00	472·80
Insurance—					
W.A.	$32.05	$1.45	$1.45	$1.45	$36.40
N.T.	44·50	5·00	5·00	5·00	59·50
Surcharge—					
W.A.	$5.00	NIL	NIL	NIL	$5.00
N.T.	NIL	NIL	NIL	NIL	NIL
Total—					
W.A.	$210.05	$151.45	$151.45	$151.45	$664.40
N.T.	181.30	117.00	117.00	117.00	532.30

(2) Yes. It is understood the problem relates to interstate movement of cattle and the position is at present being examined. The need for corrective action will be considered when full facts of the matter are known.

4. COLLIE HIGH SCHOOL

Canteen

The Hon. N. E. BAXTER (for The Hon. T. O. Perry), to the Leader of the House:

With reference to my question of the 3rd May, 1972, why is the answer given not in accordance with assurances given by the Minister for Decentralisation, as outlined in my previous question?

The Hon. W. F. WILLESEE replied:

The successful tenderer for the Collie High School Canteen is from Brunswick and this is considered to be local to Collie.

5. ABATTOIR

Port Hedland

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Is there any possibility of the closure of the Port Hedland abattoir for any reasons in the near future?

(2) If so—
(a) what are the reasons;
(b) what Government action has been taken?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) (a) A Health Order has been served on the abattoir.
(b) An application for a Government guarantee to finance a new abattoir in Port Hedland has been received and is being assessed.

ADJOURNMENT OF THE HOUSE: SPECIAL

Sitting Days and Hours

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.44 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m., Wednesday, the 10th May.

In support of the motion I think it would be opportune for me to advise the House that I propose to move this type of motion early in the day for the rest of this week in order that members will know exactly what we are doing.

I hope we can conclude this session within the first week of returning after the fortnight's break. In the meantime it is proposed to sit Wednesday, Thursday, and Friday of this week. The probabilities are that we will sit on Thursday at 11 a.m. I cannot be positive as to when we will sit on Friday, because of the consideration I must have for members of the Opposition in regard to the legislation we put before them. The main purpose for meeting on Friday is to have completely before us for a fortnight all the legislation passed by the Assembly up to the time it rises on Thursday evening.

The Hon. A. F. Griffith: This Thursday?

The Hon. W. F. WILLESEE: This coming Thursday. I appreciate that members have commitments which we will certainly honour. I can give an assurance that in their absence we will not deal with any Bills in which they are interested, but where there are measures which can be dealt with successfully I propose to deal with them.

I also hope to be able to clear the commitments I have to the variety of motions before us and whilst we may not necessarily deal with all of them on Friday, I hope, by Friday, to have them all cleared.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.59 p.m.]: I take the opportunity to say that, in my opinion, the motion moved by the Leader of the House at this time is quite a good idea, because it does give members some indication of what is required of them in regard to their attendance in the Chamber. After all, attendance in the Chamber is of paramount importance.

I notice that the Legislative Assembly's notice paper has upon it some 29 items; without counting private members' business.

If private members' business is taken into account in that Chamber, 31 items remain to be dealt with.

The Government has indicated that it hopes we will be able to conclude this part of the session in the week following the fortnight's adjournment. I presume that means in the sitting days of the following week. We have 26 items on the notice paper in this Chamber and it seems to me that it will be impossible to deal with all the legislation on the notice paper of each House; and I would like the Leader of the House to tell us—I know he cannot do this today, but this is the second time I have asked—which Bills in both Houses the Government desires to deal with on this occasion, bearing in mind that the exchange of messages must also take place. If the Government desires to get all the legislation through, I consider it is just not practicable in the time available. Therefore, I would appreciate it if the Leader of the House would confer with the Premier and his colleagues and let us know the situation perhaps tomorrow in order that I might plan accordingly for what the Leader of the House suggests will be only one week after the fortnight's vacation. Otherwise I naturally support the motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.52 p.m.]: I well appreciate the remarks of the Leader of the Opposition and I will, as soon as possible, endeavour to place before the House comprehensive information concerning the Bills which will not be proceeded with during this part of the session. At this stage I cannot do that, but we will have a much better idea and appreciation of the situation later in the week. If I am not able to provide the information tomorrow, I will make an effort to submit something concrete by Thursday.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

PUBLIC SERVICE ACT AMENDMENT BILL

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) [4.53 p.m.]: I move—

That the Bill be now read a second time.

Subsection (3) of section 52 of the Public Service Act provides that with the written consent of the permanent head the annual leave for recreation of an officer may, when the convenience of the department is served thereby, be allowed to accumulate for not exceeding three years' entitlement.

It is not possible for an officer to accumulate leave entitlement beyond that period and therefore a conscientious officer whose assistance is needed at a vital time works on when he ought to be taking his leave. As a result he forfeits his leave. Over the years in consequence of this provision a number of officers have forfeited leave. This has not been to suit their own convenience, but to suit the convenience of departments and, particularly, of Ministers. They were unable to take their leave within the prescribed period because their services were required. This is an injustice. A conscientious officer should not be penalised because he works when he is required and accepts the circumstances rather than go on leave. Because of their responsibilities it is necessary for such officers to devote themselves unselfishly to their work and it might well be asked why they should suffer what is indeed a severe penalty.

The purpose of the measure is to remedy this situation within limits. Where the permanent head of the department recommends, and the Minister approves, the measure—if passed—will enable this to be done. Accumulation of leave will be extended beyond three years, which is the present provision, and the measure will restore to officers concerned any accumulated annual leave entitlements which may have lapsed under the existing provisions of the Act, as at the 31st December, 1971. The benefit of the second provision will apply only to officers who were still in the service at the 1st January, 1972. It will not be retrospective nor will payments be made to people who have retired.

To make the position perfectly clear I say that there is no intention whatever to relax the general principle that officers should take their annual leave as it falls due. The aim of all departments will be that officers should take and enjoy their leave for the purpose for which it is provided. Cases have occurred from time to time, although not frequently, and are bound to occur in future where it is simply not feasible for an officer to take his leave. Let us consider, for example, the situation which recently obtained in the Mines Department where the Minister and his officers had been working long hours during the day, after office hours, and at weekends to prepare the new Mining Bill.

The Hon. A. F. Griffith: I wonder what the definition of "recently" is!

The Hon. J. DOLAN: How difficult it would have been had the under-secretary of the department been obliged to go off on leave at a time when his services were most needed. Had he accumulated three years' leave, the only way in which his services could continue to be available to the Minister in the preparation of the Bill would have been for him to forfeit leave to which he was entitled. This sort of situation does not occur frequently, but it does occur sometimes.

The purpose of the amending Bill is to make possible, in cases where the permanent head recommends, an accumulation of leave beyond three years. This is, of course, provided the Minister approves. The intention is to make provision for those cases which have occurred and will continue to occur in the future when very important work comes up and must be done and it is desirable that the officer should work on.

While it is agreed that no person is indispensable, situations can occur in departments where certain men have been engaged exclusively on work, the detail of which is not known to others, and a disruption of that work coming at an inopportune time could be a serious disadvantage. In such situations where some special work is in the course of preparation it is undesirable that the officer should go on leave at that time.

The purpose of this amendment is to meet such an emergency situation, and the general principle will be safeguarded inasmuch as the additional leave cannot be accumulated unless, firstly, the permanent head recommends it and, secondly, the Minister in charge of the department approves it. But, generally, there will be no relaxation of the rules which apply under the existing Statute.

I commend the Bill to the House.

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

IRON ORE (GOLDSWORTHY-NIMINGARRA) AGREEMENT 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.

ABORIGINAL AFFAIRS PLANNING AUTHORITY BILL

Report

Report of Committee adopted.

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.00 p.m.]: I move—

That the Bill be now read a third time.

THE HON. I. G. MEDCALF (Metropolitan) [5.01 p.m.]: I draw attention to clause 50 which provides that officers under the control of the authority shall be able to act in any legal proceedings and shall be entitled to address the court, cross-examine witnesses, and generally conduct a case on behalf of any accused person.

This already happens in some cases but, generally speaking, representation by a qualified person is very well observed by the present department. Of course it is not of advantage to Aborigines to be represented by an unqualified person. I understand it is in rare cases only that Aboriginal people are represented by unqualified persons and, generally speaking, the department seeks to use a qualified person wherever one is available. From my own knowledge I know of many occasions when, at considerable expense to the State, qualified legal practitioners have been flown to distant parts of the State to represent Aboriginal persons who may have been accused of various crimes or offences.

As I have said, the cost of transporting qualified people is considerable and also, in most cases, they receive fees from the department although I understand there have been occasions when this has been handled under the provisions which relate to poor persons.

Generally speaking, the department behaves extremely well in respect of providing qualified persons to defend Aborigines and I am not being critical of the department. I merely draw attention to the proposal in clause 50 to allow unqualified persons to represent Aboriginal people.

I feel this should not be allowed to pass without a proviso being added and I regret I have not drawn attention to the matter earlier; because the courtesy extended by the Leader of the House to members of the Opposition in respect of this Bill is well understood and appreciated. I draw attention to the matter now because, in fact, my attention has only just been drawn to it. I suggest a proviso could well be added at the end of clause 50 to the effect that no officer or unqualified person may act in court proceedings without leave of the court. I do not believe this proviso should apply to the Local Court or the Police Court. In such cases I would have no objection to the provision remaining as it is. In the case of the superior courts—the District Court and the Supreme Court—I believe it would be proper to ask the judge whether an unqualified person could appear; we should obtain the leave of the court, because the judge would be the best man to know whether the charge was sufficiently serious for an Aboriginal to need a qualified person to represent him.

Those are my reasons for bringing this matter forward. I am sorry to do so at this late stage, but I believe the Minister's attention should be drawn to the matter.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.04 p.m.]: I appreciate the remarks made by Mr. Medcalf. I can assure him that nothing will be done under this provision which has not been done in practice in the past. There is a need in certain parts of the State to allow Aboriginal people to be represented by unqualified persons. In the main, the charges are minor, and often no lawyer is available.

I know of no case—nor would I support the idea—of an Aboriginal person appearing before a judge or a superior court without the department first obtaining the best legal advice available. In such an instance, of course, the charge would be serious.

I am prepared to say that the point mentioned by the honourable member seems eminently fair. I ask him to allow me to complete the passage of the Bill. We will look at the matter in the light of experience and the point he has raised will be given consideration on the first occasion the legislation is amended.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

COMMUNITY WELFARE 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 7 put and passed.

Clause 8: Other staff—

The Hon. W. F. WILLESEE: The amendment I have on the notice paper has come about as a result of discussion during the second reading. The Leader of the Opposition thought the qualifications of the deputy director should be outlined. At the time I thought it could be left to the administrative machinery of the Public Service Board to ensure that a person with tertiary level qualifications would always be appointed to the position of deputy director.

It was clear to me that the deputy director would be authorised to exercise any power and perform any duty that the director could exercise or perform. If we require tertiary level qualifications for a director it is obvious to me that the deputy

director must also possess similar qualifications. It was not written specifically into the Bill, but the amendment I shall move covers this point. I move an amendment—

> Page 3—Insert after subclause (1) the following new subclause to stand as subclause (2):—
>
> (2) The person who is to be appointed the deputy of the Director shall be chosen from amongst persons who would be eligible for appointment to the office of Director.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9 put and passed.

Clause 10: Functions—

The Hon. W. F. WILLESEE: The amendment I propose will substitute for "disadvantaged individuals or groups in the community" the words "individuals or groups in the community who are disadvantaged." I would just mention that in a number of other provisions—notably clauses 13, 14, and 16—the word "disadvantaged" should be inserted at the end of the sentence in which it occurs rather than in the middle where, at present, it gives undesirable emphasis.

There has been some objection to the use of the term "disadvantaged individuals" because it focusses attention upon the person in such a manner as to eventually be regarded as a stigmatic reference. It is argued that modern approaches to welfare stress the important influence of the environment in moulding individuals and upon their behaviour and adjustment. It is generally considered that the kind of people we are is more a result of the influence to which we are exposed rather than to any inbuilt predisposition. For this reason it is felt our legislation should refer to "individuals or groups who are disadvantaged" rather than to "disadvantaged individuals or groups." I move an amendment—

> Page 4, lines 32 and 33—Delete the words "disadvantaged individuals or groups in the community" and substitute the words "individuals or groups in the community who are disadvantaged."

The Hon. A. F. GRIFFITH: When I spoke to the second reading I recall having written a note on the back of a Bill which I had at the time, but unfortunately I cannot lay my hands on that copy at the moment. The words I wrote were: Are the staff happy?

At the time I asked the Minister about this. I wondered whether the staff were happy about the change which would affect two departments. The Minister gave me the assurance that as far as he knew the staff were happy.

Since then I have heard some rumblings —not only from within Government departments but also from organisations concerned—of fears in the minds of some staff members in relation to the director usurping authority.

The CHAIRMAN: Order! I think the Leader of the Opposition is referring to clause 9, but we are dealing with clause 10.

The Hon. A. F. GRIFFITH: I am dealing with the words "disadvantaged individuals."

The CHAIRMAN: It sounded as though the Leader of the Opposition was dealing with staff.

The Hon. A. F. GRIFFITH: I was trying to develop the point that there have been some rumblings about the director usurping authority in his declaration of a "disadvantaged individual." I am sure the Minister can give us an assurance that, in fact, the director will exercise the authority which he is given under this legislation in the direction in which it is intended.

I do not want to name any department in particular because I would not like the Committee to think that anybody has complained to me. For this reason I hope I am forgiven if I do not name any particular department. The Minister can imagine the functions of Government departments which already deal with certain persons who are disadvantaged for some reason or other. The same thing applies to organisations which deal with people who have not had the same advantages as others may have had.

I assume that under this legislation the director would have no intention to move in and deal with a person who is disadvantaged in the opinion of another department or authority which already has the situation under control. This is as clearly as I can state the point.

The Hon. W. F. WILLESEE: I thank the Leader of the Opposition for being so clear in the question he asked me. I can assure him that the department has no desire whatever to move into the field administered by other organisations. In the main we are dealing with what might be termed Mr. In-between; the person who is nobody's business, and who must be helped by somebody.

The Hon. G. C. MacKinnon: Or those who have always been the business of the Child Welfare Department.

The Hon. W. F. WILLESEE: Of course we do not go beyond our ordinary scope. In endeavouring to amalgamate these two departments we have a man-sized job on our hands and we will be moving over various fields of native welfare into child welfare. The last thing I would wish to

do would be to load the director of community welfare with too much responsibility or too much to do in this process of amalgamation. We must also bear in mind that in every field of child welfare there is considerable public expense and it would be necessary for me to approach the Treasurer for funds on each occasion I widened the orbit; and this, of course, would be difficult; quite apart from moving into the field of other organisations.

I can give a categorical assurance we will not touch anything that can be catered for efficiently by existing organisations. At the moment we are trying to amalgamate the two organisations into a workable situation, and if there is any field into which we can move in the future, this will be done only by negotiation.

The Hon. A. F. GRIFFITH: I want to thank the Minister for his explanation. I would like him to kindly inform the gentleman who will be the director under this legislation that none of my remarks were intended to be criticism of him.

The Hon. W. F. WILLESEE: I think the message has been well taken.

Amendment put and passed.

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

> Page 4, lines 37 to 39—Delete the words "needy or disadvantaged individuals or groups within the community" and substitute the words "individuals or groups within the community who are needy or disadvantaged".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Director to have access to disadvantaged individuals in employment—

The Hon. A. F. GRIFFITH: As a result of my remarks during the second reading debate the Minister, through his director, has had a look at the amendment I proposed, while at the same time being good enough to tell me that his department was examining the point of view I put forward during the second reading. The Minister has what he thinks is a better proposition than mine. I have had the advantage of examining this and I am prepared to accept the proposition the Minister now wants to put forward. Accordingly I will not move the amendment I have on the notice paper. I will leave the Minister to move his alternative amendment.

The Hon. W. F. WILLESEE: I thank the Leader of the Opposition for his remarks. I move an amendment—

> Page 6, line 2—Delete the words "a disadvantaged individual" and substitute the words "an individual who is disadvantaged".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 14: Director may manage property of disadvantaged individuals.

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

> Page 6, line 13—Delete the words "a disadvantaged individual" and substitute the word "disadvantaged".

This is consequential to the amendment which has been accepted to clause 13.

The Hon. A. F. GRIFFITH: I am a little confused. Did not the Minister have some alternative to my amendment to clause 13 which is on the notice paper?

The Hon. W. F. WILLESEE: It comes up as a new clause.

Amendment put and passed.

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

> Page 7—Delete subclause (3).

Members will see from the notice paper that it is proposed to insert a new clause which requires the director to obtain a person's written consent before he exercises on his behalf any of the powers in clause 14 and specifies that if he is under 18 years of age he must obtain a guardian's consent provided his whereabouts can be ascertained.

The Hon. R. J. L. WILLIAMS: I take it this will also affect clause 13 insofar as the department does not go in willy-nilly; it goes in at the invitation of the disadvantaged person. Could the Minister clarify the position for me?

The Hon. W. F. WILLESEE: I think it needs clarifying. If the circumstances were such that a person were severely disadvantaged and there was no guardian to contact the department would then take action in its own right.

The Hon. R. J. L. WILLIAMS: I thank the Minister for his explanation with which I am quite satisfied.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15 put and passed.

Clause 16: Right of representation in proceedings—

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

> Page 7, line 16—Delete the words "a disadvantaged individual" and substitute the word "disadvantaged".

This is also a consequential amendment.

The Hon. W. R. WITHERS: If this amendment were passed I do not think the clause would read grammatically.

The Hon. W. F. WILLESEE: I think it is all right if we read the amendment into the entire clause. We have submitted the items to the Parliamentary Draftsman and he is quite satisfied.

Amendment put and passed.

The Hon. R. F. CLAUGHTON: The clause, as amended, now reads, "to which a person who is, in the opinion of the Director, a person who is disadvantaged . . ." As far as I can see that is quite good English.

The Hon. A. F. GRIFFITH: Where do the words "is a party" fit in?

The Hon. R. F. Claughton: After the words "a person who is disadvantaged."

The Hon. W. F. WILLESEE: I can only repeat that I see nothing wrong with the clause as it stands.

The Hon. L. A. LOGAN: I think we should take out the words "is a party"; then the matter will be covered. Those words are not necessary.

Clause, as amended, put and passed.

Clause 17: Certificate as to status of disadvantaged individual—

The Hon. W. F. WILLESEE: I would like to move to delete clause 17 on page 7. The reason for my wanting to move to delete this clause is that we may completely remove the idea of a certificate relating to a person who is disadvantaged. The use of those words in the clause may already have conveyed the unfortunate impression that we are "certifying." That would be most regretable particularly when the various provisions of the Bill come into operation from the 1st July. Perhaps it would help if I were to explain that this clause was provided only to establish the proper procedure for producing evidence in a court of the right of the department to be involved when the court is dealing with a person who is disadvantaged. This is not expected to occur frequently, and the purpose of the certificate is limited specifically to this situation. The word "certificate" is perhaps a little to easily misunderstood.

I propose to move a new clause to replace the existing clause, from which members will see the wording has been arranged differently. At this stage I merely wish to explain that the words "Production of a certificate" will be replaced by the words "Production of evidence in the prescribed form."

The CHAIRMAN: Would the Leader of the House suggest to the Committee that it votes against the clause because I cannot put the question, that the clause be deleted?

The Hon. W. F. WILLESEE: I bow to your ruling, Sir, although I must have moved 100 times in the past to delete clauses.

The Hon. A. F. GRIFFITH: The other night I moved to oppose some clauses by placing on the notice paper amendments to delete the clauses. That is the only way it may be done. One does not move the amendment one has on the notice paper; the idea is to give notice to members of one's intentions.

Clause put and negatived.

Clause 18: Obstruction—

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

> Page 8—Add after subclause (3) the following new subclause to stand as subclause (4):—
>
> (4) A refusal to give any person any information which that person cannot show to be required in relation to any individual for the purposes of this Act shall not be treated as wilfully obstructing that person.

In prior discussions some members suggested that as clause 18 now stands it will operate in respect of a person who refuses to co-operate in research, as is specified in clause 10 (b). This has never been my intention. I am well aware that good and valid research requires willing and co-operative helpfulness—not compulsion—from those involved.

Since the penalty provisions are mainly intended for situations where officers require essential information in order to act for someone considered to be in disadvantaged circumstances, it will be quite sufficient for this purpose if the wording were limited to those circumstances. The amendment achieves this purpose.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19 put and passed.

New clause 15—

The Hon. W. F. WILLESEE: I move—

> Page 7—Insert after clause 14 the following new clause to stand as clause 15:—

Restrictions on the exercise of powers under s. 14.

15. The powers conferred by section 14 of this Act shall not be exercised in relation to any person where—

(a) that person is over the apparent age of eighteen years, unless he has given his consent in writing and has not subsequently given notice in writing to the Director withdrawing that consent;

(b) that person is under the apparent age of eighteen years, and has a parent, guardian or

near relative whose whereabouts are known or can be ascertained by reasonable enquiry, unless the written consent of such parent, guardian or near relative has been obtained and has not subsequently been withdrawn by notice in writing given to the Director.

I have already mentioned the reason for inserting this new clause in the course of my remarks concerning the amendment to delete subclause (3) of clause 14. To recapitulate briefly, the purpose of the new clause is to add to the intention of the original clause by ensuring that if a person who requires the assistance of the director under the provisions of clause 14 is below the age of 18 years, his parents or guardians must give consent to any action if their whereabouts can be determined by reasonable inquiry.

The Hon. I. G. MEDCALF: I am a little puzzled at the fact that clause 13 is not mentioned in the proposed new clause, although clause 14 is. I would like to know why there is no reference to clause 13 because that clause also gives powers to act in relation to disadvantaged individuals who are employed or who are independent contractors. I appreciate that clause 14 contains perhaps more important powers because it enables the director to manage the property of disadvantaged individuals; but on the other hand the director is enabled to formulate an opinion that a person is disadvantaged. Where such person is employed as an independent contractor, or is self-employed, clause 13 enables an officer of the director to have access to that person and to any place in which he may be for any inspection, inquiry, etc. for the purpose of the Bill.

I would think that such a person should give his consent as is required in the case of a person whose property is to be managed by the director. Surely if it is good enough in one case one may expect it to be good enough in the other.

The Hon. W. F. WILLESEE: I think the key to the matter is that one cannot always obtain prior consent to entry. Having made the contract, it is then possible to obtain consent. But in order to make the initial contact it is necessary to have the right of access.

The Hon. I. G. MEDCALF: I appreciate the argument advanced by the Minister, and I do not propose to persist with this. I merely queried why clause 13 was not included, and I think I have received a reasonable explanation.

New clause put and passed.

New clause 16—

The Hon. W. F. WILLESEE: I move—

Page 7—Insert after new clause 15 the following new clause to stand as clause 16:—

Evidentiary Provisions

16. Production of evidence in the prescribed form by an officer of the department is sufficient proof in any court that the consent required to be given under section 15 of this Act has been obtained and remains in effect and shall be sufficient evidence in any court as to the opinion of the Director in relation to the person named therein at the time specified in the form.

This new clause takes the place of clause 17 which was deleted earlier. Briefly, it improves on the original by removing reference to production of a certificate, and mentions instead "evidence in the prescribed form." I have previously dealt with this in some detail. It avoids the undesirable connotation of the words "certifying" and "certification." The prescribed form ultimately will be set out in regulations.

New clause put and passed.

New clause 17—

The Hon. W. F. WILLESEE: I move—

Page 7—Insert after clause 16 the following new clause to stand as clause 17:—

Appeals.

17. Where a person is dissatisfied with—

(a) any decision to exercise a power under section 13 or section 14 of this Act in relation to any person; or

(b) the exercise or purported exercise of any such power,

he may, within fourteen days thereafter, appeal in writing to the Minister who shall hear and determine the matter.

This relates to the right of appeal in respect of the powers exercised by the director. The new clause seeks to allow an appeal to the Minister in a case where a person is dissatisfied with the exercise of the powers under sections 13 and 14. It covers a wide range of situations and provides for appeals within 14 days. It requires the Minister to act on the matter. This new clause is introduced directly as a result of some remarks by the Leader of the Opposition and by Mr. Medcalf in the second reading debate.

New clause put and passed.

New clause 18—

The Hon. W. F. WILLESEE: I move—

Page 7—Insert after clause 17 the following new clause to stand as clause 18:—

Power to delegate.

18. (1) The Director may, with the approval of the Minister, delegate all or any of his powers or functions—

(a) to any officer of the Department;

(b) to any person or body or any officer or employee thereof, being a person or body, whether corporate or not, who or which the authority of any Act administers or carries on for the benefit of the State, or any district or part of the State, a social service, or who or which exercises or performs any function in relation to the carrying on of a social service,

and may, with the approval of the Minister, vary or revoke any such delegation.

(2) A power or function delegated by the Director may be exercised or performed by the delegate—

(a) in accordance with the instrument of delegation; and

(b) if the exercise of the power or the performance of the function in relation to a matter is dependent upon the opinion, belief or state of mind of the Director—upon the opinion, belief or state of mind in relation to that matter.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a duty by the Director.

This additional clause is proposed to enable the director to delegate powers to certain bodies or persons. This provision was not included in the original Bill as it was considered that other existing legislation provided for this purpose. However, recent opinion indicates it is necessary to insert a section to deal specifically with the delegation of power, particularly as arrangements with outside bodies, both statutory and voluntary, may be involved.

Members will note that the approval of the Minister is required before any powers exercised by the director may be delegated. Additionally, ministerial approval is required to vary or revoke any delegation.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

ABORIGINAL HERITAGE BILL

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.52 p.m.]: I move—

That the Bill be now read a third time.

THE HON. I. G. MEDCALF (Metropolitan) [5.53 p.m.]: I draw attention to clause 52 which provides—

In any proceedings a traditional custodian, a warden, or a member of the staff of the Musuem appointed for the purpose generally or in a particular case in writing signed by the chairman or vice-chairman of Trustees, may represent the Museum in all respects as if he were the party concerned.

My attention was drawn to this particular clause only recently. It provides that in any proceedings at all an unqualified person may represent the Museum. This provision seems to be of doubtful benefit to the Museum should it seek to make use of the power in any proceedings outside the Act. I should have thought this would be limited to the provisions under this Act.

Turning to clause 50 (3) we find there is a reference to proceedings taken under this Act. I would have thought that clause 52 should likewise be limited.

I apologise to the Leader of the House for not having drawn attention to this matter earlier, but even at this late stage I think it is desirable that I should make reference to it, in the hope that this evident oversight may be rectified on some future occasion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.55 p.m.]: I have had some discussions with the honourable member regarding this clause. I have some written comments which I would like to be incorporated in *Hansard*. It is also my desire to refer to another matter which has been raised by the Leader of the Opposition. The point made by the Leader of the Opposition was to what degree do we press this legislation, to the detriment of, say, a large mining operation which is in full swing. In that regard the comments that follow may be of some assistance.

In particular I refer to the real concern of members that the operation of the Bill could introduce costly delays in developmental projects which would be against the better interests of the State.

I would like to reassure the House that the Bill does not provide for preservation of the Aboriginal heritage only. It also contains what I believe are ample provisions to ensure that the authorities charged with its operation will act with discretion.

For example, the Bill contains, in clause 22, provision for compensation to owners. Moreover, through clause 18 a local court is empowered to award such reasonable sums as may be determined in respect of the expenses incurred by a complainant where the trustees have failed to act with due diligence, or have been unreasonable having regard to the general interest of the community.

The Bill, through clause 21, also enables an aggrieved person to object to the Minister to a recommendation made by the Museum to the Governor-in-Council for a site to become a protected area. At the direction of the Minister the trustees must consider the representations made to him and report to the Governor-in-Council upon them. This ensures that decisions in cases of conflict are made by the Government in the full light of opposing views.

In addition, and most importantly, the Minister has, under clause 11, powers to direct the trustees in the exercise of any function under the Act. This should provide ample assurance to the House that the Minister is able to ensure that dedicated people do not become over zealous in the exercise of powers given them through the Bill, or cause unreasonable delay.

It is clear that members have been concerned at the possible effects of the Bill upon a development where a site is discovered during the execution of the work.

Apart from the overriding powers of the Minister through which he may direct the trustees, such problems can be avoided, as far as possible, through persons and organisations taking these matters into account by consulting the proper people at the planning stage.

In the immediate future there may be some cases where planning has not taken these matters into account. As Minister responsible for the Bill it is my intention to ensure that no unreasonable delays are occasioned by the provisions of the Bill. But I do not anticipate many problems because I am told that major developers in this State have already established good liaison with the Museum in recent years. Already, advice has been given in numbers of cases. Examples of major corporations which have sought and received such advice are Poseidon at Windarra, Mt. Newman at Port Hedland and Abydos, Dampier Salt at Dampier, Amax at Admiralty Gulf, and International Nickel at Wingellina.

There has been no conflict at these places and the Museum has found the organisations concerned most co-operative and anxious to preserve the Aboriginal heritage wherever possible.

A particular matter has been raised by the Law Society of Western Australia in a letter received by me today. The society has asked for a clarification of clause 52. This clause provides that, in any proceedings, certain persons may represent the Museum in all respects as though they were the party concerned. I am asked to consider making specific restriction of the provisions of this clause to this Act on the grounds that it might enable unqualified persons to represent the Museum in proceedings generally, and that such representation by unqualified persons would be objectionable.

I have taken advice on this matter and I am advised that a person is entitled to represent himself in legal proceedings. In this case the trustees, who constitute the Museum as defined in the Museum Act, 1969, are the party concerned in the proceedings. In that Act similar powers are given in section 50 for the trustees to be represented by a person as if he were the party concerned. By being so appointed, that person may instruct counsel, give evidence, and so on, as though he were the Museum or the trustees.

In the Aboriginal Heritage Bill it is the intention of this clause to make provision whereby the trustees may appoint a person in the manner stipulated in clause 52 to represent them as though he were the person concerned. Representing the trustees, he would then employ legal counsel. I am informed that the Museum in the normal way employs the Crown Law Department in these matters.

Taking this advice into consideration I do not think that there is need for amendment but I will watch the matter closely when the Act comes into operation.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [6.02]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to provide for the adjustment of pensions payable to judges and their widows.

The rate of pension is at present fixed according to the salary payable at the date of retirement or death. There is no provision for any adjustment as in the

case of other pensions payable by the State. As the State has accepted the need to review other pensions from time to time similar entitlement should be available to members of the judiciary.

Under the principal Act now proposed to be amended, pensions are payable currently on the following basis:—

(1) Where a judge who has attained the age of 60 years retires after serving as a judge for not less than 10 years he is entitled to a pension at a rate equal to 50 per cent. of his salary.

(2) Where a judge, not being a judge to whom subsection (1) of section 6 applies, retires and the Minister certifies that his retirement is due to permanent disability or infirmity he is entitled—

(a) If his retirement occurs before he has completed six years' service as a judge to a pension equal to 30 per cent. of his salary; or

(b) in any other case to a pension at a rate equal to 30 per cent. of his salary and at an additional rate of 4 per cent. of his salary for each complete year of his service as a judge in excess of five years of such service but so that the rate of his pension shall not exceed 50 per cent. of his salary.

It is proposed to provide that pensions payable to judges are to be adjusted in a manner similar to that laid down by subsection (4) (a) of section 46C of the Superannuation and Family Benefits Act, which reads as follows:—

> The Treasurer shall, not later than the thirtieth day of June in each year, commencing with the year nineteen hundred and seventy-one, determine that the State share of pensions, or the State share payable in respect of certain units of pensions, payable to former contributors who retired on or before the thirty-first day of December in the year that is two years prior to the year in which the determination is made, shall be increased by such amounts or at such rate or rates, as are specified in such determination.

It is pertinent to mention that as judges do not have to retire until attaining 70 years of age, the probable liability on the Treasury is much less than in the case of officers who retire at 65.

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

Sitting suspended from 6.05 to 7.30 p.m.

WOOD DISTILLATION AND CHARCOAL IRON AND STEEL INDUSTRY ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [7.30 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this measure is to amend the Wood Distillation and Charcoal Iron and Steel Industry Act to confer borrowing powers on the board controlling the industry. These borrowings are to be subject to the approval of the Treasurer and the Minister. From time to time capital funds are required by the industry to meet the cost of modernising equipment, expanding existing plant, or adding new items.

The main reason for bringing this Bill forward at this time is that the industry has recently sought an amount of $700,000 for the purpose of expanding the existing foundry installations located at Wundowie.

Since the control and management of the industry reverted to a Government-appointed board four years ago, despite a heavy loss in the year prior to the change in management, profitability has been achieved and maintained in each of these four years up to 1970-71. During this period total profits of $259,000 have been earned. These profits were obtained after paying fees, charges, and State taxes, and absorbing the not insubstantial increases in uncontrollable costs which applied generally to industry over those years.

The plant at Wundowie has over the past four years been brought to a high level of efficiency consistent with reasonable expenditure, and this has substantially assisted in maintaining profitable operation. However, any further improvements to the existing plant could only produce very marginal gains.

Despite this performance, the board now faces a very difficult and exacting task in continuing the industry at a profitable level. This arises from the impact of last year's unprecedented wage rises and a sharp fall in overseas pig iron income due to devaluation of the U.S. dollar, substantial increases in pig iron distribution costs, and a fall in the general pig iron market in Japan. These factors are responsible for turning a profit of more than $90,000 last year into a budgeted loss of over $250,000 in the current year. I should mention that actual results to date this year show that the loss for 1971-72 will be substantially lower than that budgeted for.

The fundamental reason for the industry experiencing periods of serious losses and reasonable profit is found in the market price for its products. Its main product is pig iron, the market price of

which is largely governed by world conditions; whereas the industry's costs must immediately respond to changes in Australian conditions.

These two elements often operate in opposite directions. For example, its present financial problems arise from these two factors—

the fall in the price of pig iron as a result of the recession in Japan—that country is the industry's principal customer; and

the large increases recently granted by Australian wage-fixing authorities.

When combined, the former severely reduces income, and the latter charges, which are beyond the control of the industry, seriously inflate costs.

Because of the foregoing factors, it is evident to the board that a substantial shift in marketing emphasis is necessary if the industry is to survive and be in a position to absorb escalations in costs. The board therefore decided to investigate appropriate ways of recovering a greater proportion of the industry's costs from the Australian market.

The results of the small foundry installation which is now operating at Wundowie have been very satisfactory. This unit has considerably contributed to profits in the last four years.

A feasibility study showed that the introduction of an automatic moulding process should be sufficiently profitable to more than offset the projected losses of existing production, subject to the industry gaining a share of the market, thus placing it in a continuing profitable position in the future. It will be appreciated that it will take at least two or more years to achieve this position, as the plant must be acquired and installed, and production increased and marketed.

In this connection, the market for the output of the foundry will be largely sought in the Eastern States. Recent investigations disclose that a substantial market does exist for castings which are cheap enough to compete. In the past, Western Australia has not been able to compete in this field because it has not been able to achieve the level of efficiency required. This applies particularly in the automotive field, where previous attempts by this State to enter the market have not been successful. In fact, we in Western Australia have made no great effort to tap these markets, but the proposed additional facilities at Wundowie will enable us to do this successfully.

The expanded foundry will be highly automated to produce quality castings at the lowest possible costs by world standards. It will produce repetition castings and will not, therefore, make any great impact on other jobbing type foundries already existing in this State. Although highly automated, it will provide employment for an additional 12 men.

Some suggestions have been made that there are now technological processes which are cheaper than the present process used at Wundowie to produce iron and, therefore, the demand for Wundowie products will cease. These processes are not new. On the contrary, they are well known to the industry, which has competed with them for many years. They are capital intensive and suitable only for larger foundries. One of the two main processes requires very large outputs running into thousands of tons a year. The other is used only by foundries producing high-grade castings which can absorb the higher costs involved.

Both processes are based on the ready availability of good quality steel scrap of suitable size and analysis. In Japan—which is a large importer of steel scrap—foundries, both large and small, find it cheaper to use pig iron. In Europe there has been a trend for smaller foundries to shut down or amalgamate with others to form units big enough for the new processes, but scrap availability is a limiting factor. Wundowie sold about 15,000 tons of pig iron to Europe last year and is still selling at about that level this year, despite the downturn in the world economy and despite increased prices.

It is obvious that the new processes have definite limitations and that quality pig iron will continue to find outlets at the present technological level. Consequently, the board has every reason to believe that its products will continue to be in demand.

The alternative to expanding the foundry section of the industry is to close the works, with all the undesirable social and economic consequences which this action would entail. These can be summarised as—

Complete destruction of a decentralised industry.

Loss of employment of 400 men and women at a time when the labour market is very difficult and work is hard to obtain.

The virtual closing down of a country town, with the consequent write-off of Government investment in housing, a school, sewerage works, water supply, and electricity reticulation, together with private investment in houses, shops, a fully equipped club, and a swimming pool. It is estimated that Government investments at Wundowie total some $3,500,000, to which must be added the cost of electricity reticulation and private investment in the club and in other assets.

Families would have to be relocated.

Annual contributions to the country areas water supplies, railways, State Electricity Commission, Fremantle Port Authority, and other Government organisations, in excess of $1,000,000 per annum, would cease.

Export income, estimated to reach over $4,000,000 per annum, would be lost. Currently the industry exports products valued at $2,600,000 overseas and products valued at over $600,000 to the Eastern States. The level of exports to the Eastern States and overseas has been steadily increasing in recent years. As a result of the foundry expansion, which would enable additional sales to be made competitively in the Eastern States and elsewhere, the export figure is expected to exceed $4,000,000.

There would be economic repercussions on the Northam district and on servicing industries in the metropolitan area.

In addition to the foregoing, substantial operating losses during the closing down period would have to be paid.

In the past, the capital requirements of the industry have been provided from the State's General Loan Fund. Currently, there is $1,300,000 of loan funds invested in the works, apart from the funds invested in the town and in its services and amenities. Because State loan funds are limited and are heavily committed to community works of urgent priority, the proposals contained in this Bill will allow the board to obtain its future requirements without encroaching upon the limited funds available to the State for capital works.

Borrowings by the board must be approved by the Minister and the Treasurer. Also, the rates, terms, and conditions will have to comply with Loan Council requirements. Under the arrangements proposed, the board will currently be permitted to borrow only up to $300,000 per annum when it needs to undertake approved capital works. By borrowing at this level, it will not interfere with the State's semi-governmental loan allocation and, therefore, will not reduce the borrowing authority for those organisations which borrow in excess of $300,000 a year; nor will it need to seek an allocation from our heavily committed State Loan Fund.

In other words, it may borrow its capital without imposing any reduction on other works financed either from State loan funds or semi-Governmental raisings. It will not have any effect on the amounts borrowed by the smaller local authorities because, under existing arrangements, any statutory authority may be permitted to borrow up to $300,000 per annum on such terms and conditions as are approved by the Australian Loan Council, without any restriction on the number of authorities so borrowing. Thus the proposed foundry expansion can be financed within these limits without being a burden on State capital resources.

If any member is concerned that the proposed borrowing powers will permit the board to borrow unlimited funds, I draw attention again to the controls provided in the Bill; namely, the prerequisite of the approval of both the Minister and the Treasurer. The Minister who is responsible to the Government for the direction of the industry will need to approve the borrowing before a case for loan raising is submitted to the Treasurer. The Treasurer will see that the limits imposed by the Loan Council on amounts, terms, interest rates, and conditions, are met before he approves any application by the board.

The limited borrowing powers sought in this Bill for the board are similar in all respects and subject to the same controls as are the legal borrowing powers of other statutory authorities.

Let me emphasise that the proposed foundry expansion is not without some risk. However, I think it is fair to comment that any commercial operation entails some risk.

The Hon. A. F. Griffith: Some more than others.

The Hon. W. F. WILLESEE: This risk is recognised by those entrusted with the control of the operation of the industry and they have taken every possible step to minimise it. If it succeeds the industry will be placed in a continuing sound financial position which will ensure the continued employment of the people engaged in the industry without the need to seek Government support from time to time as has been the position in the past. Moreover, much of its trading will be carried out in the Australian environment of costs and prices.

Because the board is properly concerned with the position of the employees in the industry and their families, as well as the townsfolk and others, both in Northam and the metropolitan area, who are dependent on the industry, the members of the board have undertaken lengthy and detailed studies to seek ways and means to avoid the closure of the works. This study has resulted in the recommendation to diversify the industry's activity.

If we are to do more than pay lip service to decentralisation, then some business risks and possible expense will have to be faced and this industry is a case in point. The alternative to diversifying the industry is to close it down with all the losses and undesirable consequences I have already detailed. I commend the Bill to members.

The Hon. R. J. L. Williams: Could I ask the Minister a question before he sits down? Mention was made towards the end of the speech to a study which had been

carried out. Is it possible that members of this House could look at that study in order to be better informed about the Bill?

The Hon. W. F. WILLESEE: I will inquire into that possibility. I cannot answer offhand, but it is a reasonable request.

Debate adjourned, on motion by The Hon. N. E. Baxter.

MAIN ROADS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2, and 3 and Nos. 6 and 7, made by the Council, and had agreed to Nos. 4 and 5, subject to further amendments.

CONSTRUCTION SAFETY BILL

Assembly's Message

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

HOSPITALS ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [7.51 p.m.]: I move—

That the Bill be now read a second time.

The Hospitals Act, 1927-1969, is the law which provides for the establishment, maintenance and management of public hospitals in Western Australia, and it has not been amended to any large extent since its enactment in 1927.

The main purposes of this Bill are to update the Act and also to provide for the appointment of a teaching hospitals advisory council to advise in matters relating to the provision, co-ordination, and utilisation of clinical and teaching facilities, services, and resources, to ensure co-ordination of hospital, medical, and teaching resources; to avoid unnecesary and costly duplication of hospital facilities; and to advise on any other matter affecting teaching hospitals.

In order that effect may be given to the recommendations of the teaching hospitals advisory council, the Minister must have the power to give directions to a board of management. The need for this direction extends to other areas where, at the present time, the Minister can only make recommendations to a board of management.

Administration of public hospitals in Western Australia is a major task, although this might not be generally realised. With the considerable growth of the State in recent years, it has not been possible to meet all the demands for buildings, services, equipment, and staff, and it is imperative that expenditure of taxpayers' funds be safeguarded in every possible way.

Although the number of public hospitals has grown from only 91 in 1950 to 120 in 1971, the number of available beds has increased from 3,404 to 7,056. The bed average has increased in round figures from 2,447 to 4,970, and the staff from 2,846 to 11,472.

The cost of operating hospitals has increased from $2,240,706 in 1950 to $38,489,399 in 1970-71 and despite the recent increase in hospital fees, the cost will rise to $42,601,000 in 1971-72.

Quite apart from the tremendously high cost of providing high quality service in teaching hospitals, the necessity under Commonwealth legislation to provide free treatment to pensioners in return for a mere $5 a day paid by the Commonwealth, and the high proportion of Aborigines among the public hospital population, are both major factors in producing such a heavy deficit.

Much has been done to improve the efficiency of hospitals, including the establishment of the most effective hospitals organisation and methods section in Australia. Because of substantial reductions in the average stay of patients in hospitals, particularly at some of the major hospitals, the throughput of patients has increased to the extent that, in the case of Royal Perth Hospital, the average stay has been halved from approximately 16 days in 1953 to approximately eight days in 1970, and it is now probably as low as it can safely be.

The reduction in stay has been achieved because of more effective diagnosis and treatment which involves many highly skilled staff and highly sophisiticated equipment.

The State can be proud of the quality of hospital services, but the insufficiency of loan funds is causing great concern as without the injection of large sums into the public hospital construction programme, the facilities necessary to treat the increasing population and the increasing road accident cases, would inevitably become inadequate.

The capital cost of the hospital construction programme rose from $630,788 in 1950 to $9,197,353 in 1970-71. Although the State's financial position has enforced a reduction to $7,753,000 in 1971-72, there is an urgent need to increase capital expenditure substantially in the future to cope with the expanding population, particularly in the metropolitan and north-west areas. To carry out the highest priority hospital works would require more than $20,000,000 annually over the next five years. These figures highlight the necessity to do everything possible to husband our resources and obtain the greatest possible value for every dollar spent.

Because of major technological advances in many areas associated with hospitals and the much greater degree of sophistication of equipment, it is essential that new and expensive equipment should be installed in locations where they can give maximum benefit, and that unnecessary duplication should be avoided.

When considering the proposed amendments, it is necessary for members to bear in mind that there are more than 120 hospitals throughout the State, of which 55 are directly controlled by the Minister, whilst boards of management have been appointed to conduct the affairs of the remaining 65 hospitals.

Those controlled by hospital boards are, broadly, the major metropolitan teaching hospitals and the smaller country hospitals. Those directly controlled by the Minister are the smaller metropolitan hospitals and the larger country hospitals, including the regional hospitals and those in the north-west.

In considering the proposed amendments, therefore, it is important that the aspect of the country hospitals and the nonteaching metropolitan hospitals should not be overlooked. The teaching hospitals advisory council will relate only to the major metropolitan hospitals; that is, teaching hospitals.

I will now deal with the proposed amendments. Section 2 of the principal Act is to be repealed and re-enacted, with amendments, to update definitions in the light of many factors which have changed over the years, including Commonwealth legislation under which different benefits are payable for patients in hospitals and those in nursing homes. The new section 5A establishes the duty of the Minister to provide the services outlined.

The Minister is the board of management of 55 hospitals and the Medical Department is the central authority in relation to hospital services throughout the State. The new subsection (3) of section 6 is necessary to permit the Minister to appoint staff required to assist the department in relation to its responsibilities in the management of public hospitals generally throughout the State. This subsection does not relate in any way to the appointment of staff by individual boards of management.

There are several categories of staff, including engineering, organisation and methods, and radiography, where it is essential for the Minister to have the opportunity to appoint to the department supervisory staff with appropriate qualifications and experience in hospitals and allied services. It is also essential for the Minister to be able to appoint staff for the proposed new hospital laundry and linen service, which will serve many public hospitals.

The new section 6A provides for the establishment of a teaching hospitals advisory council. Provision has been made for members of the council to be representative of the Minister, the university, teaching hospitals, and the Western Australian Branch of the Australian Medical Association.

The definition of "teaching hospital" included in section 2 will enable the proclamation of the names of the teaching hospitals from which such persons will be nominated. It is intended that the hospitals entitled to nominate will be Royal Perth Hospital, Sir Charles Gairdner Hospital, Fremantle Hospital, Princess Margaret Hospital for Children, and King Edward Memorial Hospital for Women, but not Claremont or Heathcote Hospitals.

The duty of the advisory council is clearly indicated in subsection (5) of new section 6A. Subsection (3) of section 7 will be repealed and re-enacted, with amendments, as new section 7A.

In specifying in more detail the general powers of the Minister, it will permit the establishment of central facilities required for any hospital or group of hospitals which are more economical than providing facilities for each individual hospital. This particularly relates to laundry and linen services, catering, and X-ray laboratories.

There is provision for payments to non-profit organisations of interest on moneys borrowed for approved capital projects, and for subsidies in respect of the accommodation of frail aged persons and in respect of other patients who are unable to afford the payment of reasonable fees.

We must remember the important contribution being made by religious and charitable organisations in respect of the provision of hospital, nursing home, and frail aged accommodation throughout the State.

New section 12A is necessary to provide for a retirement scheme for practitioners, particularly senior medical specialists who, by reason of their specialities, do not regard their employment with the same degree of permanence as other employees who would be expected to join the State superannuation scheme.

Senior specialists may be attracted to a teaching hospital in this State or to the north-west medical service to serve for a few years, but would expect to move to other States or overseas before the normal age of retirement.

A scheme has been operating for many years as an alternative to State superannuation and the new section validates what has been done in the past and permits the establishment of a scheme to be administered by trustees appointed by the Minister and in accordance with rules to be approved by the Treasurer.

This is important and urgent because at the Royal Perth Hospital alone there are 15 medical practitioners who are not

covered and not able to join the scheme until the legislation is passed. It would be most unfortunate if any eligible practitioner whose application cannot be processed were to die.

New section 16 will safeguard the position of a member of a hospital board against any action in respect of his service as a board member.

Proposed new subsections (2) and (3) to section 18 will give the Minister, after consultation with a hospital board, the power to give directions to the board. This is essential for several reasons, but it is not intended that it will interfere with the normal day-to-day management of a hospital by a duly appointed board of management.

I have already explained that the teaching hospitals advisory council will advise the Minister on matters referred to in subsection (5) of section 6A. It is essential for the Minister to have power to direct a board of management to implement the recommendations of the advisory council, otherwise the position would be little different to the situation pertaining today, whereby there are attempts at co-ordination with some measure of success, but there are occasions when two hospital boards cannot agree on a vital matter.

There are other areas affecting hospitals throughout the State where the Minister needs to have the power to direct a board. At present the Minister can only recommend a particular course of action and a board may decide to take no notice of the Minister.

With the increasing degree of sophistication in hospital facilities, services, and equipment, it is clear that there must be an overriding authority to avoid unnecessary duplication of services and unwarranted expenditure.

In the matter of hospital fees, the Government decides the level of fees for public hospitals in relation to daily charges and outpatient attendance fees. Instances have occurred where a board of management is unwilling to adopt the Minister's recommendation following the Government decision.

Proposed new paragraph (g) of section 21 will permit a hospital board, after borrowing money under subsection (2) of section 17 of the principal Act, to on-lend such amounts borrowed to the Minister to provide centralised services. The Government has decided to establish a hospital laundry and linen service to provide for the requirements of public hospitals in the metropolitan area, and this provision will permit the whole of the capital funds required to be made available without affecting the State's loan allocation.

Under section 22 of the principal Act, a board may make by-laws in connection with the various matters specified. Paragraph (f) of section 22 of the principal Act at present provides for "regulating the grant of nursing care by the public hospital to patients or other persons not being inmates of the public hospital." The amendment will provide for "hospital service" as defined under section 2. This will provide for the widening role of hospitals, particularly in the care and treatment of the aged. Everything possible must be done to keep patients out of hospitals by providing a more effective range of care, facilities, and services outside the hospital.

The amended paragraph (g) and new paragraph (ga) will give a board power to make by-laws in respect of a multitude of fees other than those specified under amended section 37.

Section 26(4) needs amendment to avoid the Minister having to appoint auditors in respect of hospitals in respect of which he is the board of management. Appointment of auditors is made either by the Governor upon the recommendation of the Public Service Board, or by a charitable organisation. The amendment will permit such officers to act with the approval of the Auditor-General.

The amendments to section 27 are of minor importance. The present limitation of £500 is unrealistic in any situation where a local authority wishes to expend revenue from general rates on public hospitals. The 10 per cent. limitation is adequate. If the figure of £500 were increased it would be difficult to determine a reasonable amount having regard to the vast differences in revenues of respective local authorities. This provision is rarely used.

The new subsection (6) of section 33 will give a board the power to reduce or waive payment of any fees charged.

The penalty under section 36 of the principal Act has been increased from £10 to $100, which is a more realistic figure. This section has not been invoked at least for many years.

Section 37 of the principal Act provides that the Governor may make regulations and subsection 2 (c) and (d) will permit the Governor to prescribe the fees that shall be chargeable for the provision of hospital service in, by, or on behalf of, any public hospital, and for any other matter under this Act.

At the present time the Government decides what the basic hospital charges will be and then must recommend to each board of management throughout the State to adopt those fees. Each such resolution of a board of management requires to be published in the *Government Gazette*. Apart from the fact that some country boards of management have been unwilling to pass the necessary resolutions, it involves considerable unnecessary administrative work and expense. It is essential

that the fees determined by the Government should be applied to all public hospitals uniformly throughout the State.

Subsection (3) of proposed new section 37 is necessary as the Crown Law Department has advised that the power presently contained in paragraph (c) of subsection (1) should be amplified to make it clear that regulations can be drafted for particular circumstances and need not be of general application.

The schedule: These constitutional provisions will be common to the teaching hospitals advisory council and to hospital boards of management, and are self-explanatory.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. N. McNEILL (Lower West) [8.09 p.m.]: The Bill before us is one that does not provide any scope for argument and is one against which I voice no objection. In fact, in the circumstances, the four provisions in the Bill are quite desirable. However, before elaborating on those provisions I will give a brief explanation, as I understand the position, of the circumstances leading up to the introduction of the Bill.

I am sure members will be aware that other livestock compensation funds were introduced as a result of some serious threat to sections of the livestock industry in Western Australia from time to time. They provide a very valuable form of insurance for livestock owners—in fact, for all those engaged in the livestock industry —in Western Australia, including those in the pig industry. I am sure that you, Sir, as do other members of the House, know of the circumstances which gave rise to the introduction of the parent legislation in 1942. It was introduced largely as a result of wartime circumstances, because we had, in Western Australia at that time, a serious outbreak of disease among our swine population; and the introduction of the parent Act in 1942 gave rise to the pig industry compensation fund.

I understand that the fund and the scheme have operated with a degree of success. The method by which it operated with all owners of pigs—and this is significant—is that they were required to make a levy to the fund by way of stamp duty. This levy was on all livestock sold. For the purpose of convenience, and because livestock went either to the saleyards or were purchased privately by buyers; or were purchased either publicly or privately by processors—and we have some very reputable processors in this State—there has been a continued contribution to the compensation fund from these sources.

The owners of pigs, where necessary, have been contributing their levy—which I understand is .03c in the dollar contributed by way of stamp duty—and processors, in the main, and agents acting on behalf of owners, have also been contributing by virtue of a permit system available to them under the legislation, and by courtesy of the administration of the Department of Agriculture. However, as I indicated earlier, the onus is really on the owner of the pigs to pay this levy into the compensation fund.

The Minister, however, has mentioned to us that in recent times it has been clearly indicated that whilst most owners, processors, and agents have been contributing to the fund—that is, they have been deducting the necessary levy from the proceeds of their sales—there are some people who have not been doing this. As a result, under the legislation, those who have become owners of pigs purchased privately, whilst not remitting the levy to the Department of Agriculture, have been receiving, and are, in fact, entitled to receive, compensation for any pigs infected with a compensable disease. This is clearly outside the spirit of the legislation and such circumstances should not be allowed to continue.

For this reason, and as this is the more important provision in the Bill, it should be supported. The purpose of the provision is simply to make it mandatory on all processors and private buyers of pigs to remit to the compensation fund the levy which has been deducted and as a result the processor or buyer becomes entitled, not only legally, but also morally, to any compensation for any pigs that are condemned as being infected with a compensable disease. As I have said, that is the most important provision in this measure.

It also contains three other provisions, the second of which I wish to deal with very briefly. This refers to the deduction from the fund of those expenses involved in administration. As the Minister has indicated, no doubt in view of recent experiences in the stamp duty field it is possible the existing provision could be challenged on the basis that the levy, by way of stamp duty, is, in fact, an excise. Consequently it is intended to remove this provision from the legislation and to provide for the administration of the fund from another source. That will obviate the necessity for anyone to even contemplate challenging that provision. Inasmuch as it will become mandatory for processors to deduct the levy due to the fund and with a return to remit it monthly to the Department of Agriculture, It goes without saying that there must be some provision for inspections to be made of

the books of those in the industry and the third amendment does just this to ensure that the law is being obeyed.

The fourth amendment deals with the time limit available to a person who wishes to make application for compensation from the fund in the event of an animal being diseased and dying, or being condemned and slaughtered as a result of the disease. Up to date the time limit has been a period of 21 days and clearly, as the Minister indicated, this is insufficient time to enable a person to undertake the formalities associated with applying for compensation in the case of diseased stock. It is proposed to extend the time, and this is being done by deleting the present time limit and making provision for it to be prescribed by regulation. I do not see any real dangers in this. It is not inappropriate that this be done even though it could be stated that if it is so important as to warrant an amendment to the legislation, perhaps the time limit should remain in the Act. However I am not one who holds that opinion, as I consider the necessary provision can quite well be made by regulation.

The Minister did not tell us so in his second reading speech, but I understand from inquiries I have made elsewhere that it is intended to make the time in which application can be made correspond with that which applies in respect of the Cattle Industry Compensation Fund. I have also ascertained that the present 90-day period during which an appeal may be made to the Minister for his consideration will be dispensed with and that virtually an unlimited period will be available in which application can be made for consideration by the Minister. This does not, in any circumstances, make it obligatory upon the Minister to approve such application, but at least it gives him an opportunity to consider it.

These are not unimportant provisions and will suit the convenience of those in the industry in Western Australia. Therefore, I wish to indicate my support for the Bill and its four provisions. However, in doing so I would like to make one or two brief comments.

It is a matter of some regret that when a Bill of this nature, dealing with a compensation fund, is introduced, some little more trouble is not taken by the Minister to give some further explanation. Certainly, we were given an explanation of the Bill itself, but, over the years since 1942, quite a number of amendments have been made to the legislation, and this being the first time we have had a discussion on the Act for some time, the opportunity could have been taken by the Minister to acquaint us with the situation of the pig industry in Western Australia at this time; to indicate the incidence of disease within the industry; to indicate the amount of the drawings on the fund; and last, but by no means least, to indicate the amount at present standing to the credit of the fund. In other words, he could have taken the opportunity to acquaint the House with all the circumstances relating to the industry because I am one of those who believes that legislation of this kind is basic to the successful operation of a livestock industry in Western Australia.

This is an important industry and as this legislation is so fundamental and basic I repeat that the Minister might well have taken the opportunity to acquaint not only this House, but, through this avenue, also the people and the industry, of the circumstances surrounding it. The Bill certainly merited a deal more explanation than it was given.

However, with those observations, I am pleased to give my support to the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [8.22 p.m.]: I wish to thank Mr. McNeill for his support of the Bill which, as he said, emanated from the original outbreak of swine fever in 1942 during the war. Not only was this legislation introduced, but also many other health requirements in pig husbandry were introduced which resulted in the industry being subject to less disease.

Perhaps more information should have been given, but unfortunately it was not to hand. However, I will guarantee to obtain the details and acquaint the House of them in the near future. It is important that we have this information and I am sorry it was not made available.

I again thank Mr. McNeill for his wide study of the Bill and all the relevant points he raised, and I now commend it 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. R. H. C. Stubbs (Minister for Local Government), and passed.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.26 p.m.]: This Bill contains several contentious issues and it is my intention to deal with them. The first is the Government's desire

to control the use of all underground water. This is a drastic step to take, bearing in mind the relatively little knowledge we have of the extent of the existing underground water supplies.

This is just another interference with the rights of individuals concerning their properties; and it seems to me that over the years Governments have been endeavouring to make inroads into the privacy of property owners, and this is just another example of it.

I would agree with the proposal to preserve underground water if it was positively known that the amount available was limited. However, my investigations on this subject over the last six months or so have revealed that insufficient research has been undertaken in an endeavour to ascertain the extent of the availablity of underground water in the metropoitan region. Several experts have commented on this matter and one such comment is contained in the *Sunday Independent* of the 23rd April. The article is headed, "Water is our big problem." It is writen by Paul Donnelly who, among other things, said—

> Private bore licensing proposed in Water Supply legislation now before Parliament is mere fiddling in the face of the crisis in water shortage which now threatens Greater Perth.
>
> Instead, a far reaching commission of enquiry must be at once set up to look into the whole question of supply, quality and use of water not only for Perth but for the whole state . . .
>
> The amount of shallow bore water available is guesstimated at 20 billion gallons a year. Less than one billion gallons of this is now being used on a north eastern suburb development.

Mr. Donnelly indicates that the extent of the underground water supply is a matter of guesswork at the moment. His statement is backed up by answers given to some questions that were asked of the Minister for Water Supplies in the Legislative Assembly. The first question was—

> (1) From how many bores is water drawn for use in the Metropolitan Water Board area?

The Minister replied—

> 21.

The next question was—

> (2) How many of these produce artesian water?

The Minister replied—

> 16.

This indicates that, of the 21 bores which are currently supplying water to the Perth region, only five produce what is known as ground water.

I have made fairly extensive inquiries from the Water Board and several other Government departments over the last six months and I have been assured that absolutely no research has been undertaken into the supply of artesian water and only limited investigations have been undertaken into the supply of ground water. It is obvious that no investigations have been made into the extent of the water supply of the 16 bores into the artesian basin. Much more work must be undertaken before we pass legislation to restrict the right of people to sink bores on their own properties. This matter needs to be researched fully.

It is interesting to note that the Minister for Water Supplies is on record in *Hansard* of Thursday, the 4th May, 1972, as saying, in answer to a question that was asked—

> I know I did, and I am repeating it by way of emphasis. If the honourable member wants specific information on rivers and other sources of water supplies, this has all been given in recent times during the currency of the present session, but other than being able to generalise, the position becomes difficult; because if by some means, in the next 10 or 20 years, a cheap method of desalination of water becomes available, the Government will certainly see fit to use it.

I was interested in that comment bearing in mind the article which appeared in *The West Australian* of Wednesday, the 19th April, 1972, under the heading, "Scientists solve water problem." The article states—

> Australian scientists have perfected a cheap desalination process for purifying water for domestic and industrial use.
>
> Salty water from bores, streams and lakes can now be converted into water suitable for town supply.
>
> One of three pilot plants is operating in Attadale.
>
> The plant has been treating 15,000 gallons a day for five months.

The article continues further down—

> A pilot plant in Adelaide can produce more than 1 million gallons of fresh water a day from brackish bore water —enough for a town of 10,000 people.

Further, it states—

> The process, to be known as sirotherm,—

I trust I have pronounced that word correctly. To continue—

> —is expected to be suitable for outback stations and mining camps.

Apparently the scheme was sponsored by the C.S.I.R.O. as a result of the activities of scientists, engineers, and chemists. It seems this cheap and effective system of water desalination is, in fact, available now. If this is the case and bearing in mind the small amount of research that has been undertaken into underground water supplies in the metropolitan region,

it is not unreasonable for me to state that the present measure is a fairly drastic step for the Government to be taking at this time.

Earlier on I referred to an infringement of the rights of the individual by not allowing people to make full use of the land which they own. I remind the present Government that it was not many years ago that the Government of the day encouraged people to put down bores in order to take pressure off the hills water supply. People are now asking, and justifiably so, whether the expense and effort they went to in those days to assist the public water supply was, in fact, in vain because of the suggestions contained in this Bill. The endeavour to license and control the use of underground water is perhaps the thin edge of the wedge which will lead ultimately to the metering of, and charging for, this water by the Government. I do not think the people in the metropolitan area would be particularly pleased with this state of affairs.

The Minister for Water Supplies is recorded as having said in the *Sunday Times* of the 6th February, 1972—

> The W.A. Government would have to meter private household wells . . . Mr. Jamieson said, well-owners should not regard themselves as having an inalienable right to underground water.
>
> Mr. Jamieson was replying to critics of the water supply department.

Consequently the seed was sown in the minds of the people that perhaps it is the desire of the present Government to institute some means of metering and charging for water taken from household wells which were put down originally at the suggestion of the Government of the day in an attempt to ease the draw on the hills water supply.

I must say, too, that the very next day —the 7th February—the Minister refuted those statements in *The West Australian* and said that he did not make them. He also said that this was not the Government's intention. However, the present measure would belie that subsequent statement because it contains provisions which clearly indicate that this may be the situation.

The Hon. J. L. Hunt: It already applies in the north country.

The Hon. CLIVE GRIFFITHS: I am not suggesting it does not but the people in the metropolitan region, whom this Bill will affect, will not be very happy about the situation.

The Hon. J. L. Hunt: Is there to be one rule for one and one for another?

The Hon. CLIVE GRIFFITHS: That is not the question. If, as Mr. Hunt suggests, something unacceptable is occurring in the north, I do not believe it is rectified by inflicting a similar system on people in the metropolitan region. If it is not a satisfactory measure in the north—and I were Mr. Hunt—I would be vigorously advocating on behalf of the people I represented that it should be removed.

The Hon. J. L. Hunt: We realise the seriousness of the position.

The Hon. CLIVE GRIFFITHS: Perhaps Mr. Hunt can make some contribution to the debate and give us an indication later on of his views as to whether or not this system ought to be implemented. At this stage I am speaking of the metering and charging for water from underground wells. If the honourable member believes this ought to be the case he should stand up and say something about it instead of doing so while I am speaking.

Clause 7 is the first clause with which I shall deal. I have issued to members a copy of an amendment which I propose to move at a later stage. I will speak on it more completely when the Bill is in Committee. Proposed new section 57E in this clause states in part—

> 57E. (1) The Governor may, on the recommendation of the Board, by proclamation constitute and declare any part or parts of the Area to be a Public Water Supply Area with such name and from such date subsequent to the proclamation as may be specified therein.

It also states—

> (3) Section thirty-six of the Interpretation Act, 1918, applies to any proclamation made under this section as though the proclamation were a regulation.

I will speak further on these matters at the appropriate time in Committee.

Clause 8 leaves us with many questions unanswered. This is the clause which indicates that wells have to be licensed. For the benefit of the House I think it is important that I should read the clause in part. Proposed new section 57F in clause 8 states—

> 57F. (1) Subject to subsection (2) of this section, a person shall not, except for or on behalf of the Crown, or pursuant to a licence issued for the purpose under section fifty-seven G of this Act, commence, construct, enlarge, deepen, alter or draw water from any well that is within a Public Water Supply Area or cause, suffer or permit any of those things to be done contrary to this subsection.
>
> (2) Where any work that would be required under subsection (1) of this section to be done pursuant to a licence if the work were done in a Public Water Supply Area—
>
> (a) has been commenced before the date of the publication in the *Government Gazette* of the proclamation constituting and declaring the area

wherein such work was commenced to be a Public Water Supply Area; and

(b) has not been completed by that date,

the owner of the land on which the work is to continue shall, within two months after that date, apply for a licence for that work under section fifty-seven G of this Act.

What happens to the person who has spent a considerable amount of money and has partially completed the sinking of a well when a proclamation is made declaring that a particular area is a public water supply area if, when he applies for a license under section 57G, he is refused? What happens to this individual who has spent hundreds of dollars—perhaps thousands of dollars—on his well? Whatever the amount, it is bound to be considerable and he could have a well partially completed but be refused a license. What happens to an individual who has his well completed and applies for a license, but the license is refused for some reason or other? The Minister will tell me that he can appeal against it but if his appeal is unsuccessful surely that state of affairs is most unsatisfactory.

It is not sufficient for the Government to say that the license will automatically be provided because that is not the situation at all. If this were the case there would be no necessity for the legislation before us; because in clause 9 of the Bill it is suggested that the board may issue a license to the applicant in the prescribed form, subject to such terms, limitations, and conditions, as it thinks fit; and then, in paragraph (c) of clause 9 it is stated the board may—

(c) refuse a licence;

So we have the situation that although somebody is in the process of constructing a well it does not necessarily follow he will receive a license to draw water from that well.

To my way of thinking this creates a most unsatisfactory state of affairs as it relates to a good many people. Provision is made for an appeal against this aspect. However, this again is a costly and not necessarily a satisfactory state of affairs. It is, indeed, most unsatisfactory, and certainly most expensive.

I do not consider that we should be thinking along these lines particularly if we bear in mind my original statement that my investigations from all Government departments indicate clearly that very little research has been done so far as underground water is concerned.

Clause 11 of the Bill contains the provision which perhaps lends weight to my suggestion that this could be the thin end of the wedge so far as metering and charging for this water is concerned. Proposed new section 57I (2) in clause 11 of the Bill states—

(2) Where at any time the Board considers that water drawn from a well within a Public Water Supply Area is being improperly or wastefully used, or that is being drawn from such a well in such a manner or in such quantities as to substantially affect the use by users or future users of underground water in that area, the Board may suspend, amend or revoke the licence relating to the firstmentioned well.

I want to know how it will be possible for the department to arrive at a decision that somebody has used water in such quantities as to substantially affect its use by other users. If this water is not metered how can the department come to this conclusion? It is obvious that the department must install a meter on such water.

So we have clearly indicated in clause 11 of the Bill that the department must install meters in order to determine whether or not quantities of water are being used to the detriment of other people. Accordingly I consider this to be a most objectionable part of the Bill.

However, I repeat what I said originally: that I appreciate the desire to preserve our underground water supplies providing the Government can convince me that sufficient research and knowledge has been done and is available to the department to warrant such stringent measures being instituted at this time; particularly when we bear in mind the statement that I read in the paper which indicated that scientists had perfected a desalination process which would make the processing of brackish water much easier.

I will leave those particular parts of the Bill, because I have suggested that if the Minister can convince me that sufficient research has been carried out in regard to this matter and that there is a sufficiently good argument for it, I will have no objection to what is proposed. I appreciate that we ought to do all we can to preserve our water supplies; but the Minister, in his second reading speech, did not convince me that these steps were necessary, nor have I been convinced of this from my research or the inquiries I have made of the various departments.

I will leave that with the Minister so that he may have another think about the matter. I do, however, intend to oppose clauses 12 to 15 without any such compromise; because clause 15 in particular directly relates to the desire of the board to have an option to recover from the owner of land charges for excess water which the board is not able to obtain from the tenants. It seems to me that it is basically wrong that the board should be given power to retrieve from the owner

who has not used the water the account that has not been paid by the tenant who, in fact, has used the water and who might refuse to pay these charges himself.

I think this principle is basically and fundamentally wrong and for that reason I strongly oppose it. I feel it is the board's responsibility to retrieve money from the tenant who, in fact, is the user of the excess water. If the tenant desires to make some other arrangement with the owner he should be permitted to do so. This should be a matter for negotiation between the tenant and the owner, particularly if they desire that some other arrangement should apply. The board should certainly not be given the power to take action against an owner in the event of his tenant not paying for the excess water he has used.

There are numerous objectionable features which can be foreseen, one of which is that because of some grudge which a tenant might hold against an owner he could quite easily take it out on the owner by leaving on all the taps indiscriminately during the day or night, in the full knowledge that it will be the owner and not he who will be required to pay the excess charges in the event of the tenant not doing so.

There are few members of Parliament who represent metropolitan electorates who have not had people come to them and say, "We have received an account from the Metropolitan Water Board for some hundreds of dollars for charges for some millions of gallons of excess water which it has been alleged we have used; and the Water Board has convinced us that millions of gallons can soon be run up by the use of excess water, particularly with the three-quarter-inch water pipes which are installed these days."

The Hon. J. Dolan: You are talking about people using millions of gallons of water; why do you not speak some sense?

The Hon. CLIVE GRIFFITHS: Does the Minister think that people will not be charged for that amount?

The Hon. J. Dolan: It has taken me a long time to use millions of gallons.

The Hon. J. L. Hunt: it could be used on the garden.

The Hon. CLIVE GRIFFITHS: Whether or not this excess water is used on the garden it would certainly be most objectionable so far as the owner of the property is concerned if he were charged for it, because it would be possible for the tenant to get off scot-free, while the owner is inflicted with these very heavy charges. But more importantly, and particularly as the Minister finds the whole subject so amusing—

The Hon. J. Dolan: What makes you get that idea?

The Hon. CLIVE GRIFFITHS: Because the Minister is laughing and he does not often do that.

The Hon. G. C. MacKinnon: Have you lost your place?

The Hon. CLIVE GRIFFITHS: No, I am waiting for members to listen to me. More importantly a provision such as this will take away from the tenant the incentive to preserve water. By the introduction of this Bill the Minister has tried to convince us that a serious situation has developed in connection with the water supply of the metropolitan region, and yet we find the measure contains a provision which removes all initiative from the tenant to preserve water, because he knows there is no longer need for him to watch the amount of excess water he uses—because the payment for this will be the owner's responsibility and not his.

So from that point of view, if from no other, it presents a most unsatisfactory state of affairs. To obtain some idea as to how many people will be involved, and what effect the provision will have on the community I tried to obtain some statistics. I was able to obtain some very interesting figures from the Statistician's office. Unfortunately these figures were taken at the 1966 census; the latest figures are not available.

I was, however, able to ascertain that in the Perth metropolitan region there were 34,511 rental homes of which 23,599 were owned by private individuals, and 10,912, by the State Housing Commission. This means that about one-third of the 34,000 homes were owned by the State Housing Commission.

This figure does not include the other Government departments; it refers only to the State Housing Commission. The 23,599 homes to which I have referred do include other departments, such as the railways, the Native Welfare Department, and others which own a lesser number.

Having discovered this and decided that one-third of the rental homes in the Perth metropolitan region are owned by the State Housing Commission, I came to the conclusion that one-third of the people in the rental homes who will owe money for excess water will be occupiers of State Housing Commission homes. Accordingly I decided I would try to ascertain how much money would be involved. I have the annual report of the Metropolitan Water Supply, Sewerage and Drainage Board.

It is interesting to note that for the year ending the 30th June, 1971, the earnings of the Metropolitan Water Board from excess water used for domestic purposes were $1,455,986. Bearing in mind that one-third of the people who rent homes rent them from the State Housing Commission, we may come to the conclusion that excess

water charges of $500,000 per annum would be incurred by people who rent State Housing Commission homes.

If those people decided not to pay their excess water charges, the State Housing Commission as the owner will become liable for $500,000 or thereabouts per annum. I do not know how many houses could be built with that amount of money; but I think it would not be unreasonable to say that 40 or 50 could be constructed.

The Hon. G. C. MacKinnon: About 50. It is about $10,000 a house.

The Hon. CLIVE GRIFFITHS: I do not know whether other members of this Chamber are experiencing the same difficulty as I am in getting houses from the State Housing Commission for their constituents; but certainly an extra 40 or 50 houses per year is a considerable number as far as people seeking rental homes are concerned.

The Hon. A. F. Griffith: Looking at it another way, it would be a great loss to the State Housing Commission vote.

The Hon. CLIVE GRIFFITHS: It is $500,000, however one puts it. Bearing those points in mind, I believe the State Housing Commission cannot afford to pay out that sort of money. Certainly I think it is basically and fundamentally wrong in principle to give to a board the power to extract money for a commodity from somebody who did not use the commodity, merely because somebody else refuses to pay for it. I just cannot follow that.

The point has been raised that a tenant may shift out of a house after using all the allowable water, and the next unfortunate tenant moves in and occupies the property for the balance of the year. Every gallon of water that person uses is charged at excess rates. That is not a very desirable state of affairs. I would have agreed with this at first glance, except that I had a look at the situation applying over the years to rental homes. One does not need to do much thinking to come to the conclusion that a little over 20 per cent. of the people in our community rent homes all the time.

If a person is renting home A and uses the allowable water in six months, he could then shift into house B leaving house A with no allowance of unchargeable water. He could shift into a house where the previous tenant did the same thing; so that if he does not pay in house A he will pay in house B.

The Hon. S. J. Dellar: If he did not pay it in house A, would you expect him to get house B?

The Hon. CLIVE GRIFFITHS: The honourable member has missed the point. The tenant moves out of house A before the excess water bill is received; he moves into house B and receives a bill for excess water used for the whole of the previous 12 months in house B, even though he has occupied it for only six months.

The Hon. D. K. Dans: That is assuming that the water board sends out all its excess water bills simultaneously. He could work it out to his own advantage.

The Hon. CLIVE GRIFFITHS: He would have to be pretty smart to do that. On average I think it would work out that if he missed out in the first house he would pay in the second house. I do not doubt there are a few people who would, unfortunately, pay twice. Arrangements should be made between the tenant and the landlord. It is easy enough for the tenant to say to the landlord, "My rental agreement will be such-and-such" when he rents the house in the first place, and he could either include the excess water or not include it.

The Hon. S. T. J. Thompson: How does this work out in country areas?

The Hon. CLIVE GRIFFITHS: I am not sure.

The Hon. J. L. Hunt: You pay for the lot.

The Hon. S. J. Dellar: You pay for all you use.

The Hon. CLIVE GRIFFITHS: I hope country members will take appropriate action to look after their own affairs. I am looking after my constituents in regard to the effect of this Bill, which will create a situation in the Metropolitan Water Board area I believe to be undesirable and which I will oppose.

I will not go on much further except to say that clause 18 of the Bill deals with *caveats* being lodged against properties in the event of owners not paying charges. In his second reading speech the Minister said that clause 18—

> . . . authorises the board to lodge a *caveat* on land in the case of owners who may be in particular circumstances, such as their state of health, poor financial situation and age, and also where there is a possibility of a sale being made without the board being protected for its rates and charges.

I do not think that is a desirable state of affairs, and I am not happy about it. We must bear in mind that it is intended to charge excess water to the owner. If the owner happens to be out of the State or overseas when the excess water bill is received, and the tenant does not pay the bill, the owner could return to find a *caveat* lodged against his property. That is what the Bill provides; it is no good the Minister saying that the board will not do this; that the Bill provides for this, but the board will not take that action.

The Hon. R. F. Claughton: Local authorities do this as far as rates are concerned.

The Hon. CLIVE GRIFFITHS: That is right; but I am talking about the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill which proposes to do something I believe to be wrong. I am not talking about what local authorities may do; I am talking about what is proposed in this Bill; which is, that an avenue is to be provided for the Water Board to place a *caveat* against the property of a person, irrespective of whether he is an old-age pensioner or someone else.

If this provision is intended purely for old-age pensioners who wish to let their water rates remain as a charge against their properties, let us write that into the Bill. But do not include this all-embracing provision which allows the board to lodge a caveat under any circumstances where some money is outstanding—whether it be for excess water or any other charges the board may make from time to time. With those comments I support the second reading of the Bill.

THE HON. L. A. LOGAN (Upper West) [9.10 p.m.]: At the risk of being involved in some repetition, I wish to speak to this debate. It is obvious that Mr. Clive Griffiths and I have come to the same conclusion without discussing the Bill together. I will have to use some of the material he has already used. I find this measure somewhat extraordinary as a result of its contents and as a result of statements which have been made. I would refer to the article in *The Sunday Times* to which Mr. Clive Griffiths has already referred, although he did not read all of it, in which Mr. Jamieson is reputed to have said that well-owners should not regard themselves as having an unalienable right to underground water. The article states—

> Mr. Jamieson said that far from receiving rebates, well-owners could face charges for water they tapped from their own wells.

In his denial all the Minister said was that the State Government did not plan to introduce meters in the case of private wells. He did not refute any other statement. The article goes on to say—

> His comments are expected to raise a furore among thousands of Perth residents who have their own wells for garden reticulation.

I think that is the understatement of the year, because on that Sunday morning I went to my bowling club and there was not one member of the club who did not say to me, "Get rid of this Government quickly."

The Hon. J. Heitman: They have the right idea.

The Hon. L. A. LOGAN: Yes, and they have been saying that ever since. When the Minister introduced the Bill he said—

> Because it is considered essential to conserve underground water where required for the benefit of the public water supply to the metropolitan area, it is submitted that the board should be given powers to control not only the construction of new wells, but the use of water from wells.

With that statement in mind, and also the statement of the Minister for Water Supplies in *The Sunday Times*, I think there would be no doubt in anybody's mind that it is the firm intention of the Government to control water from wells and bores.

Proposed new section 571 (2) states—

> (2) Where at any time the Board considers that water drawn from a well within a Public Water Supply Area is being improperly or wastefully used, or that water is being drawn from such a well in such a manner or in such quantities as to substantially affect the use by users or future users of underground water in that area, the Board may suspend, amend or revoke the licence relating to the firstmentioned well.

Proposed new section 146(3a) states that the board may make by-laws—

> Regulating and controlling the commencement, drilling, sinking, construction, form, maintenance and alteration of any proposed or existing well within a Public Water Supply Area and regulating the quantity of water that may be drawn from any such well and providing for the maintaining and keeping by the Board of a register of licences relating to such a well.

So in two places in the Bill and also in the Minister's speech it is stated that the Government will control the amount of water used by people from wells or bores. I ask, as Mr. Clive Griffiths asked: How does one control the use of water from the many thousands of bores and wells in the metropolitan area without some kind of metering? It is an absolute impossibility to control the use of such water without metering. Therefore, if the Government does not intend to meter the bores and wells, it might as well forget about this Bill because it is not worth the paper on which it is written, for the simple reason that it will be physically impossible to control the provision.

Is it intended to have someone visit my place every day in order to see how much water I use when I switch on the pump to reticulate my lawns? Is it intended to have people going around visiting houses in order to find out what type and amount of water is being used? As the Bill is before us, it is ridiculous for the Minister to

say that the usage of this water will not be metered. If it is not to be metered we should forget about the Bill.

I find it ironical that the source of water which supplies the metropolitan wells and bores is exactly the same source on which the Government is spending millions of dollars each year to drain out to sea. This is the source of water from which the majority of wells and bores in the metropolitan area draw their supplies. If this water is not pumped out then the water table will rise. Whenever the Government has established a drainage scheme in an area the people concerned find they have to sink a bore further down to reach the water table. Despite the expenditure of millions of dollars each year to drain the water out to sea, the Government now wants to control this source of water.

What is more important is that practically all the water that is pumped out of wells and bores is recycled into the soil again, because when it is used on gardens it percolates through the sand. By the time the water reaches down the soil to the source it is purer water, because it has filtered through the sand.

A large amount of this is swampy water, and one often finds evidence of this when one passes certain bores and smells the foul odour. Furthermore, the stains that appear on the walls of some houses show the quality of the water. In many areas where deep sewerage has not been established the underground water becomes contaminated by the effluent from septic tanks; yet this is the water which the Government wants to conserve for domestic use.

The other day I asked some questions as to the depth of the five shallowest bores that have been sunk to supply water for domestic purposes. The answer was that the shallowest was 106 ft. and the others went down to as deep as 136 ft. These are bores in the Gnangara area.

I am aware that the Bill contains a provision to prescribe the area to be affected, but the principle remains the same whether or not the area is prescribed, because it does not take very long to prescribe an area. That is done merely by publication in the *Government Gazette*.

I am not prepared to support this measure; but if by chance it passes the second reading it is my intention to move that the definition of wells and bores be applied to those of 100 ft. or more in depth. That amendment would take out of the ambit of the Bill a large number of the bores and wells in the metropolitan area. I am aware that some people have to pump water from below the 100 ft. level; but a limit has to be specified. In view of the answers that have been given to the questions I asked I think the limit of 100 ft. is fair enough, but I do not mind if it is only 80 ft.

I agree with what Mr. Clive Griffiths has said: that it was only a few years ago when the people were asked to put down wells and bores to supply water for their gardens. That was done with a view to conserving the water supplies in the reservoirs. I believe that at the time attempts were made to have the costs of sinking such bores and wells accepted as tax exemptions.

I hope that we never reach the stage where the use of this underground water has to be metered, because it is not long after metering is introduced that a charge is placed on the usage of such water. Metering will lead to a charge being made for the use of this water.

There are parts of the Bill with which I am not really concerned, but Mr. Clive Griffiths did mention one aspect on which I have some worries; that is, the charge for excess water, and the method of collecting it. I know that the provision in the Bill before us appears in the Country Areas Water Supply Act in a different form in that under that Act no provision is made for the lodging of *caveats*. The position is that in respect of water supplies we operate under different circumstances in the country.

In his second reading speech the Minister said that local authority rates and taxes were a charge on the land, but that is an entirely different matter from the charge for excess water. We would be creating a pretty dangerous principle by agreeing that a *caveat* may be lodged against a property when someone has failed to pay the excess water rate. I believe that it is the responsibility of the Water Board to have the meter read on a change of occupancy of a property. If that is done the people concerned will know the quantity of water that has been consumed up to the time of the change of occupancy.

The Hon. J. Dolan: How would the board know when there is a change of occupancy?

The Hon. L. A. LOGAN: When a tenant vacates a house he must let the State Electricity Commission know. Therefore, if a similar provision is included in the Bill to require a tenant vacating a house to notify the Water Board, that would be fair enough. Of course I realise that no deposit has to be lodged with the Water Board for the supply of water, but I still contend that the meter should be read when there is a change of occupancy. The amount of water which has been consumed by an outgoing tenant could then be determined.

I do not intend to say anything more in this debate except to repeat that what was mentioned in the articles I referred to has been said by the Minister in introducing the Bill. I contend that what is

provided in the Bill is impossible of being put into effect, unless wells and bores are metered. However, I oppose metering because it is entirely wrong in principle, but if metering is not introduced then this Bill is a complete waste of time. It also will be a complete waste of time if metering of this water is adopted; but if metering is adopted I am sure it will be the prelude to the imposition of a charge for the use of this water. For those reasons I oppose the clauses which deal with the two matters I have raised. If the Bill passes the second reading I will be moving amendments in the Committee stage.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [9.23 p.m.]: I have expressed the opinion in this House on more than one occasion, and I do so again, that water is the most important mineral we have. After having said that I am prepared to agree that the Government of the day has a responsibility to obtain and maintain a supply of water for use by the people in our community. I am quite sure that whenever we face water shortages and water rationing the expression "Why don't they do something about it?" is used, and this seems to be most applicable.

Having pointed that out, I would ask members to look at the Bill in respect of what this Government proposes to do to conserve water. I will not deal with the matters which have been mentioned by Mr. Clive Griffiths and Mr. Logan. The points which they have made are very well taken indeed. The difficulties which they have foreshadowed I can also envisage.

It was not so long ago—I cannot recall the exact number of years—that we experienced a series of dry seasons. As a matter of fact the position was very much as it is at the present time: we are into the second week of May and no opening rains have fallen in the country, and certainly none in the metropolitan area. At that time the Government of the day publicly encouraged the people to establish their own domestic water supplies in order to conserve the water collected in the hills reservoirs. I am absolutely certain that when the Government encouraged the people to put down wells and bores it was thinking of the subsurface water which lay immediately under the ground almost anywhere in the metropolitan area.

This very building is located on top of water; and in the city we find some buildings which are almost literally sitting on water. They have been constructed on pylons sunk into the ground, with the buildings sitting on the top of those pylons. I think the General Post Office and the Commonwealth Bank building are two examples of such structures.

The other day from a vantage point in a building I was able to see the concert hall in the course of construction, and I noticed a pump being used to keep the water level down to enable the construction to proceed.

This subsurface water which sometimes has a foul odour is suitable for the watering of gardens. Many people in the metropolitan area have gone to great expense to put down bores and wells so that they can reticulate their gardens by switching on a pump. In this respect I recall the article which appeared in the newspaper after the Minister for Works had made some mention about controlling the use of this water. I also read the newspaper article which appeared on the following day in which it was announced that the Minister said that what he had mentioned the previous day was not what he intended to say, but that he had meant something else. Now, when we have this Bill before us, we find that what he said on the first occasion and what he said subsequently in contradiction of his first statement are well and truly written into the Bill before us. This is found in clause 19. If this is not to be the intention of the measure, why bother to bring it to Parliament with that intention expressed in it? Why does the Government say it does not intend to do what the Bill prescribes? If that is not its intention, we should not have this legislation.

I understand what the Government really wants is to be able to tap a water supply that will augment the hills supply in prescribed locations in the metropolitan area where the water is suitable for injection into the domestic supply. The water below the Gnangara sands is one of those sources. I understand in that location there is an area of some 6½ to 7 square miles underneath which a considerable quantity of water lies, at a varying depth from 180 ft. almost to the surface. In respect of that area the Government should be able to take steps to control the usage of that water, and to inject it into the metropolitan water supply system—not forgetting the country water supply as well.

Having said that I do not think there is any necessity to encroach on the metropolitan area and take similar action or, at least, set out in the legislation that it is possible this will be done and then by word of mouth say it is not to be done.

This Bill has aroused so much concern that I received a letter which I think I should read to the House. It is from The Western Australian Federation of Ratepayers and Progress Associations Inc. Unfortunately it is not dated, but I received it during the last week or 10 days. The letter is addressed to me at Parliament

House, Perth, as the Leader of the Opposition in the Legislative Council, and it reads as follows:—

> Dear Sir,
>
> The member Associations of the West Australian Federation of Ratepayers and Progress Associations Inc. have expressed concern regarding the implications of the Bill to amend the Metropolitan Water Supply, Sewerage and Drainage Act.
>
> In particular those sections which "control" the construction of new wells and the use of water from wells already established (other than artesian).
>
> Clause 9 and Clause 11 relating to the issuing of licenses and the maintenance of wells would appear to be restrictive to the average suburban ratepayer who has seen fit to conserve the general domestic supply of scheme water by reticulating his own garden.

That reference is to the encouragement given to people some years ago when we had a scarcity of rain over two or three seasons. The letter continues—

> Apart from this restrictive measure we are concerned that the Bill will leave the way open for Governments to make a charge in the form of a license fee, rate, levy or tax for the use of water from a domestic well. Much the same as the now discontinued orchard registration fee.
>
> As it is difficult for us to interpret the true meaning of the Bill and therefore we may be concerned for no just reason we seek your assistance in obtaining clarification of the sections mentioned.

The letter is signed by the President of the association, Herman Wilke. It seems that by drawing attention to clauses 9 and 11 in the Bill that organisation apparently has not a real appreciation of some of the other clauses which will impose—or are likely to impose—many more restrictions than those set out in the clauses mentioned.

I have heard it suggested that the Metropolitan Water Board might approach this problem in a similar manner—in relation to tenancies—as that used by the State Electricity Commission. We all know that the S.E.C. sends out a quarterly account, and if that is not paid by the due date a second and final notice is sent out. If the account is not paid on receipt of the second notice the S.E.C. cuts off the supply of electricity. I think there is a difficulty in carrying out that procedure in relation to the water supply. I suppose a person can be left without light, but you cannot leave him without proper hygienic conditions in relation to sanitation. If you cut off a person's water—

The Hon. R. F. Claughton: You upset his sanitation.

The Hon. A. F. GRIFFITH: Yes, you upset his sanitation. I am pleased Mr. Claughton is with me on that point. That is one of the main reasons why the water supply department cannot tackle the problem in that way. A lady did have her supply of water cut off—from her house—with the result that the sanitary arrangements were far from satisfactory and the department had to reconnect the water.

The Hon. S. J. Dellar: The water is cut off in some country areas and it does create problems. The local health inspector has to be called in.

The Hon. A. F. GRIFFITH: The water is cut off because the people do not pay their rates?

The Hon. S. J. Dellar: No, because they do not pay for the water used.

The Hon. A. F. GRIFFITH: I suppose this is done, to some extent, in the metropolitan area.

The Hon. R. Thompson: It is done quite frequently in the metropolitan area.

The Hon. A. F. GRIFFITH: Labor members, between them, will soon convince me of the necessity to tear up this Bill! I am not at all enamoured of its contents. The point in the Bill—which was adequately covered by Mr. Clive Griffiths—in relation to the removal of the responsibility for the payment for excess water from the area in which it now belongs to the owner of the property seems to have no equity whatsoever.

I think I could forecast what is likely to happen when an owner desires to protect an interest in his property. At the present time the owner of a property will usually ask a tenant for some sort of bond. I do not know what the amount usually is but in order that an owner can protect himself from a tenant who will not worry about the proper use of water—knowing he has no responsibility to pay for it—he will increase substantially the amount of the bond relating to that tenancy.

Surely this is an undesirable state of affairs, and yet it will be necessary to do something like that if, by an act of Parliament, we are to shift the responsibility of payment from the person who rightly owes the money to the person who owns the property. I can see no equity whatever in a proposition of that nature.

Another matter which concerns me is the question of lodging a *caveat* on land. I see no reason for not lodging a *caveat* if a person has a charge upon land. However, it seems strange that under this proposed legislation a *caveat* will not be lifted without the consent of the board. If a *caveat* is lodged, in the case of a tenant who does not want to pay for the water used, the only way the *caveat* can be lifted is with the consent of the board.

In the ordinary course of events if a property is sold and there is a caveat on the land, because of a debt, the caveat

is cleared at the time when the property changes hands; at least that is so in the normal course of real estate business. It appears the board desires to go a lot further and say just when the caveat can be lifted. I will not make a great deal of that point, but it seems to me to be not a normal practice.

I register my concern in relation to this Bill on two main issues. I had to leave the Chamber for a few moments while Mr. Clive Griffiths was speaking so I do not know whether he addressed himself to the question of gazetting of reserved areas.

The Hon. W. F. Willesee: I do not think he would have missed very much.

The Hon. A. F. GRIFFITH: He made a very good speech.

The Hon. W. F. Willesee: I said: I do not think he would have missed very much.

The Hon. A. F. GRIFFITH: I have to be careful because I do not quite know how the Leader of the House intends that remark to be taken. As I said, I thought Mr. Clive Griffiths made a very good speech.

The Hon. W. F. Willesee: So do I.

The Hon. A. F. GRIFFITH: If the honourable member would not mind me mentioning this point, I think Parliament should be informed first rather than last of the intention of the Government to declare an area "a water supply area." It could be a very important matter.

I understand that in the Gnangarra area, where it is intended to declare a particular district, there is only one consumer. Only one man has put down a bore. I do not know just how reliable my information is, but if the board moves further afield and declares areas around Osborne Park, or Spearwood—where most of our domestic market vegetables are grown—a very difficult situation could be created because people in those areas are drawing water from underground in order to make a living.

Mr. Clive Griffiths has circulated an amendment which does not appear on the notice paper. The purport of the amendment will be to provide in the legislation a similar arrangement to that which was accepted by the Government in relation to the Aboriginal Affairs Planning Authority Bill. That amendment provided that where the Government intended to declare an area of land a reserve, the matter was to be brought to Parliament first to lie on the Table of the House for 14 days. If there is no objection the Minister can take it to Executive Council and have the Government gazette the reserve. If the same principle were adopted in this case the people who might be affected by the declaration of an area would be able to be heard as a result of their approaching their members of Parliament.

I commend Mr. Clive Griffiths for his intention to ask the House to accept his amendment. So far as the rest of the Bill is concerned, I do not have a great regard for it at all. It would not concern me in the slightest if the Government were to list this particular Bill as one it did not intend to proceed with. However, I do not want it said that I do not have a full realisation of the necessity and the responsibility of the Government to provide satisfactory water requirements for all the people in the State, both in the metropolitan area and in the country area.

I do not think it is envisaged that the Government is likely to declare an inner metropolitan area where there is swampy and smelly water which is mainly used for gardening purposes. If that is not the intention of the Government I see no reason for legislation to provide that an area can the declared without notice.

Whether or not the amendment proposed by Mr. Logan, regarding the depth, is likely to be a solution to the problem I am not too sure. One person could live in a hollow and have water within his reach at anything from 5 feet to 50 feet. Another man might live on the top of a sandhill on exactly the same aquifer, but because he would have to go, perhaps, 80 or 100 feet to get his water he would not be permitted to do so. There could be some lack of equity in a proposition of that nature. At least the amendment proposed by Mr. Logan will go some of the way towards trying to solve the problem.

I resume my seat contenting myself at having had the opportunity to express my views and misgivings about the Bill, particularly in relation to the statements made by the Minister regarding his intention. That intention was withdrawn probably because some better counsel advised him to be not quite so sure of what he said the previous day. However, I am concerned that what he said on the first day is now contained in the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [9.45 p.m.]: I would like to draw attention to one or two clauses in the Bill and mention one or two matters which have occurred to me on perusing the Bill and the relevant parts of the Act.

Clause 6 contains an amendment to section 24 of the Act. Section 24 of the Act gives certain powers to the Metropolitan Water Supply Board and enables the board to enter private property in order to sink or acquire wells, bores, or shafts, erect buildings, pumping stations, and perform other works, "upon lands authorised to be taken." I emphasise the words "lands authorised to be taken." In other words, section 24 gives the board power to enter private lands and carry out various works, but the lands are lands which the board is going to take by acquisition.

The purpose of clause 6 of the Bill is to delete the words "upon lands authorised to be taken," so that in future it will be possible for the board to enter any lands and carry out any works, even though those lands are not to be taken. I am not objecting to that but I want to draw attention to it in connection with the provision for compensation.

The clause goes on to add a new subsection to section 24 to provide in respect of compensation that—

> (2) The Board shall not be liable to make to any person interested compensation for any actionable damage actually sustained by him through the exercise of the powers conferred by this Act unless—
>
> (a) within three months after the damage is sustained, he delivers in writing to the Board a claim, or notice of intention to make a claim, for such compensation;

That means the board can now enter upon any lands at all—not only lands which it is going to take—and carry out any boring or other water works, and it is not liable to pay any compensation unless it is notified within three months that someone intends to make a claim.

This is quite serious because one might not be aware of the fact that works have been carried out and it might not be possible to lodge a notice within three months. Generally, when one is required to lodge notice of a claim there is power to extend the time in which it must be lodged. There is no power to extend the time under this Bill.

I point out that in future the board can enter upon privately-owned land and carry out works, but it is not now liable for compensation unless the owner notifies the board within three months that he intends to make a claim. It may be that people will be aware within three months that they have suffered damage, and they will then be in a position to notify the board that they intend to claim; but if a person is ill, in hospital, or absent for any other reason, he may not be aware of what has happened on his property and he will lose his right to claim compensation if he does not notify the board within three months.

This is a new departure and the Minister might consider extending that period of three months. I consider three months is rather a short time in which to cut off all claims for damages. I suggest the period should be 12 months, so that one has 12 months in which to notify the board. That would be a much fairer proposition.

That is the first point. I believe the three months should be extended to 12 months. That appears in clause 6, for the benefit of anybody in the Ministry who might be listening. If they are not listening, I hope they read it in *Hansard*, otherwise they will hear more about it from me in the Committee stage.

The next matter to which I wish to draw your attention, Mr. President, is that under clause 15 the owner is now liable to pay for excess water. This matter has already been quite extensively and appropriately dealt with by other members. I would like to point out, however, that this liability to pay for excess water already appears in the Country Water Supplies Act, so that country property owners are already liable for excess water.

The Hon. S. T. J. Thompson: They do not have excess water.

The Hon. I. G. MEDCALF: The equivalent of excess water. The honourable member is saying that country property owners are already liable for all water that is used. The owner is liable. The point of my comment is that the owner, as well as the occupier, is already liable.

The Hon. J. Heitman: That follows the land, really.

The Hon. I. G. MEDCALF: Yes. In fact, it also follows the land in this Bill. I think perhaps we should not forget that it already follows the land under the Metropolitan Water Supply, Sewerage, and Drainage Act, because, no matter who is the owner, if excess water is not paid for five years the board can sell the land. We should bear this point in mind when we are considering amending these sections. The Water Supply Department or the board already has the power under section 118 and following sections to sell land if the excess water is owing for a period of five years. Admittedly, something is likely to happen in that period. I should not imagine the board would allow it to remain owing for five years, but there may be cases where it does when pensioners or others are involved.

This poses some problems, because land may be sold two or three times in five years with all the owners owing for excess water. The unfortunate person who owns the land at the end of the five years could be faced with the sale of his land.

The Hon. N. E. Baxter: The land agents should inquire about that.

The Hon. J. Dolan: He should have found out before he bought it.

The Hon. N. E. Baxter: That is done by the land agent.

The Hon. I. G. MEDCALF: Mr. Baxter has great faith in land agents.

The Hon. N. E. Baxter: It is part of their job.

The PRESIDENT: Order! Order!

The Hon. I. G. MEDCALF: If after five years one discovers water rates are owing on the property, the property may be sold. This could happen.

The Hon. W. F. Willesee: Let the buyer beware.

The Hon. I. G. MEDCALF: That is right. That is the situation at the present time. I think we should bear it in mind that this can happen already. The land can be sold and the person who happens to be the owner at the time is the one who will have his land sold, even though the rates might have accumulated during the time of a previous owner. This may happen to some people.

The Hon. N. E. Baxter: It would be a very small minority.

The Hon. I. G. MEDCALF: It would be too bad if one happened to be in the small minority. I can see that Mr. Baxter is quite confident this will never happen to him.

The Hon. N. E. Baxter: I will make sure of that.

The Hon. I. G. MEDCALF: I merely draw attention to the fact that this situation already applies. It is the present position that land can be sold even though rates have been accumulated on it by previous owners. In other words, the water rates and the excess water rates already follow the land.

It is therefore a little difficult to amend some of the proposals contained in this Bill. I refer particularly to the *caveat* section. It occurred to me that it may be unfair to allow the Water Supply Department to lodge a *caveat* when excess water rates which were payable by a tenant are owing. When that *caveat* is put on the title it will do exactly what Mr. Baxter says the land agent does. It will notify everybody that rates and taxes are owing on that land. It may be advantageous for a *caveat* to be lodged in certain cases because, as a buyer, one would know rates were owing on the land.

For that reason, I decided it would be inadvisable to attempt to amend the section dealing with *caveats*. To a certain extent, what I have said applies to the provisions in relation to making owners liable for occupiers' rates. There is an argument that it is the owner who installs the occupier or the tenant, not the ratepayers, generally, and not the Water Supply Department. Therefore, one must also look at that side of the picture. But if the occupier does not pay the rates, who does pay them?

I think the best thing to do would be to cut the water off, and I daresay that happens in most cases. On the other hand, why should the general body of ratepayers pay the water rates of a tenant who leaves the taps turned on? There are definitely two sides to this argument and, although I have certain misgivings about parts of this Bill, I do not intend to move any amendments to it. I just make those few suggestions.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

STATE HOUSING ACT AMENDMENT 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.

ZOOLOGICAL GARDENS BILL

Assembly's Message

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

PLANT DISEASES (REGISTRATION FEES) ACT REPEAL BILL

Order Discharged

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.58 p.m.]: I move—

That Order of the Day No. 23 be discharged from the notice paper.

Question put and passed.

Order discharged.

House adjourned at 9.59 p.m.

Legislative Assembly

Tuesday, the 9th May, 1972

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

BILLS (6): ASSENT

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

1. Western Australian Marine Act Amendment Bill.
2. Presbyterian Church of Australia Act Amendment Bill.
3. Education Act Amendment Bill.
4. Parks and Reserves Act Amendment Bill.
5. Beekeepers Act Amendment Bill.
6. Bee Industry Compensation Act Amendment Bill.

IRON ORE AGREEMENTS

Wittenoom: Tabling of Plan

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [4.34 p.m.]: Mr. Speaker, I thank the member for Darling Range for drawing my attention to the fact that I omitted to table a plan in connection with the Wittenoom iron ore agreement Bill. I now present the plan for tabling.

The plan was tabled.