that suggestion. The honourable member also asked whether there was some guarantee that the council would meet regularly. I have already made the point that I am sure there will be many meetings; and, in any case, the Minister has the right to suggest matters for consideration and this is likely to mean many meetings, at least initially. Once again, I think the only other point made by the honourable member was in regard to the various amendments.

The member for Wembley also mentioned the proposed amendments and referred to pyramid selling. He was quite right in saying that pyramid selling is not included in the legislation as it is. I can assure him that is one matter which will be referred very early to the council. I expect it to come up with some sort of recommendation to the Government in respect of special legislation.

I have attempted to cover the matters which have been raised, but if there are other matters which require elaboration I will be only too pleased to explain them in the Committee stage.

Question put and passed.

Bill read a second time.

BILLS (3): RETURNED

1. Alumina Refinery (Upper Swan) Agreement Bill.

   Bill returned from the Council with an amendment.

2. Companies Act Amendment Bill.

3. Bills of Sale Act Amendment Bill.

   Bills returned from the Council without amendment.

House adjourned at 10.17 p.m.

Legislative Council

Wednesday, the 1st December, 1971

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

BILLS (13): ASSENT

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

1. Administration Act Amendment Bill.
2. Property Law Act Amendment Bill.
3. Wills Act Amendment Bill.
4. Government Railways Act Amendment Bill.
5. Parliamentary Superannuation Act Amendment Bill.
6. Censorship of Films Act Amendment Bill.
7. Adoption of Children Act Amendment Bill.
8. Property Law Act Amendment Bill (No. 2).
9. Natives (Citizenship Rights) Act Repeal Bill.
10. Fire Brigades Act Amendment Bill.
11. Abattoirs Act Amendment Bill.
12. Stamp Act Amendment Bill (No. 2).
13. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.35 p.m.]: I was wondering if I could obtain permission to postpone the replies to questions this afternoon because no replies are yet to hand. As no doubt they will be arriving one at a time, I think it will be preferable for me to wait until I have all the replies to questions and then present them to the House later in the sitting.

The PRESIDENT: If the House is agreeable to the request made by the Leader of the House we will pass on to the Orders of the Day.

SEAT BELTS

Ministerial Statement

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [2.36 p.m.]: With your permission, Mr. President, I would like to make a ministerial statement concerning the regulations which will be made on the compulsory wearing of seat belts. I gave an assurance to the House that I would table the regulations. A meeting of the Executive Council was held today, but unfortunately the Bill which seeks to provide for the compulsory wearing of seat belts is still being debated in another place and there is a possibility that the next Executive Council meeting will not be held until the 15th December, by which time this House, in all probability, will not be sitting and it would be quite impossible for me to honour that obligation.

However, all the regulations are ready. I have had copies made of them so that they may be distributed among members. Each member would then be able to peruse the regulations and perhaps let me know if there is something in them to which my attention should be drawn before they are eventually proclaimed. I think this would be desirable from all angles, because members would then have an opportunity to peruse the regulations in advance.

I do not think members will find anything in the regulations to which they might object, but it is possible they might do so. So with your permission, Mr. President, and as long as this suggestion is satisfactory to members, I will take steps during the afternoon to ensure that each member is supplied with a copy of the regulations that have been drafted.

The Hon. A. F. Griffith: You are actually tabling them officially before the House adjourns?

The Hon. J. DOLAN: This will depend, of course, upon the next meeting of the Executive Council.

The Hon. A. F. Griffith: If you do not table them as an official document there will be no chance to move to disallow them; this was the point that was made to you in debate.

The Hon. J. DOLAN: That is right, but in view of the unusual chain of circumstances, this is the only course of action I can suggest.

The Hon. A. F. Griffith: We had better sit here a few days longer.

The Hon. J. DOLAN: I do not mind sitting here until Christmas to honour the obligation I have made. In fact, I am quite prepared to sit here as long as the Opposition members are prepared to stop here.

POTATO INDUSTRY

Inquiry by Select Committee: Motion

Debate resumed from the 24th November, on the following motion by The Hon. V. J. Ferry:—

> That a Select Committee be appointed to inquire into and report upon the Potato Industry in Western Australia and to make such recommendations as are considered desirable to encourage greater productivity and expansion of the industry, including processing and export trade opportunities, with view to bringing further benefits to growers and the general public, and that the Select Committee be empowered to utilise the evidence received by a similar committee appointed in the previous session of Parliament.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.40 p.m.]: As the honourable member explained when he moved this motion last week, he merely desires to restore the activities of the Select Committee to the point which had been reached when Parliament was prorogued. This action is in keeping with what we have done in connection with a similar motion for another Select Committee, and I have no opposition to it.

Question put and passed.

Appointment of Select Committee

THE HON V. J. FERRY (South-West) [2.41 p.m.]: I move—

> That the Committee have power to call for persons, papers, and documents, and to adjourn from place to place; that it may sit on days over which the Council stands adjourned; and that the Committee report on Thursday, the 9th December, 1971.

Question put and passed.

THE HON. V. J. FERRY (South-West) [2.42 p.m.]: I move—

> That The Hon. D. K. Dans, The Hon. J. M. Thomson, and the mover be appointed to serve on the Committee.

Question put and passed.

LAND ACT AMENDMENT BILL

Second Reading

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

> That the Bill be now read a second time.

This Bill proposes the amendment of various sections of the Land Act, to accomplish four objectives. These are: the relinquishment by the Crown of its rights to the indigenous timber on alienated or partly alienated land; the granting of rent relief to pastoralists whose natural pastures have been damaged by fire; the limiting of the period of application of a pastoral lease development plan; and authorising the Minister for Lands to defer pastoral rentals when, in his opinion, economic conditions so warrant.

Land Act regulations require that all Crown grants, and Crown leases and licenses include a provision which reserves to the Crown all marketable indigenous timber, but which permits the settler to fell and destroy any timber in the normal course of clearing. This reservation applies during the whole of the term of a conditional purchase lease or license, and for the first 20 years of the Crown grant.

In practice this results in the loss of much valuable timber, since the settler has no incentive to leave any timber standing when he is clearing his land. It is proposed to repeal this regulation, which will result in future grantees and lessees receiving the rights to the timber, as well as the land.

In addition, by clause 3 of this Bill, it is proposed to remove the reservation from the existing Crown grants, leases and licenses. This will encourage farmers to preserve the timber and, by the receipt of timber royalties, be compensated for the extra cost of clearing.

Pastoralists at present may be granted relief from payment of rent when suffering from the adverse effects of drought,

cyclone, or flood; but there is no existing provision to enable rent relief to be granted when natural pastures are rendered unusable by fire. Clause 4 seeks to add the natural cause of "fire" to those causes which at present enable rent relief to be granted.

Existing pastoral lease legislation requires a pastoralist to compile and submit a plan, which must provide for the reasonable development of all usable portions of his pastoral lease during the whole of the term of the lease. The expiry date of pastoral leases is June, 2015. It is considered to be beyond the ability of any individual or body, however, to anticipate what will be reasonable development 45 years from now.

Developments in many fields, including land utilisation and management, render it desirable to review pastoral development plans from time to time to ensure that the leases are being used to best advantage. Authority is therefore sought in clause 5 of the Bill to limit the duration of a development plan to five years and to require revised plans at the end of each five-year period.

Many pastoralists whose properties are suitable only for raising sheep for wool production are in financial difficulties caused through adverse seasons coupled with low wool prices. Where the seasons have been so bad as to be accepted as drought, rent relief can be granted under the existing provisions of the Land Act. There is, however, no provision for rent relief where poor seasons, not sufficiently serious to be accepted as drought, coincide with low wool prices. Clause 6 of the Bill seeks to authorise deferment or cancellation of the whole or part of the rent of a pastoral lease where economic conditions so warrant. Present adverse conditions have been persisting for some time, and it is therefore proposed to make this provision retrospective to the 1st July, 1970.

All these four provisions are most desirable, and I commend them to the House.

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

JUSTICES ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains three amendments which are submitted to Parliament as a matter of urgency; and it has been passed in another place.

For many years it has been the practice of magistrates, with the consent of accused and prosecutors, to remand defendants to actual dates of hearing—yet the law strictly restricts remands to periods not exceeding eight days.

When a person is committed for trial before a superior court it is permissable to admit such person to bail on entering into a recognisance with or without sureties to appear at the time and place when and where he is to be tried. In such a case the period of bail frequently exceeds the period of eight days. To this extent the proposals now submitted cannot be considered as something new and any legal doubts about the past practice should be removed.

Adherance to the strict terms of the law requires attendance of prosecutors, defence counsel, accused and sureties every eight days. The inconvenience caused to so many persons has prompted the Law Society to request an amendment which will enable the existing practice of long standing to be followed. There appears no reason to oppose such an amendment.

Where the defendant does not appear at the time and place of hearing the court may proceed to hear and determine the complaint in his absence. If the complaint is a simple offence against the Traffic Act or any other prescribed Act—none as yet prescribed—or regulation, the court may receive affidavits of evidence in support of matters alleged in the complaint and may determine the complaint on the evidence so received.

Two safeguards for defendants who do not appear are provided under the Act. Firstly, the court shall not impose a sentence of imprisonment unless the defendant is brought before it. Secondly, provision is made for a defendant to apply to the court within 21 days to have the decision made in his absence set aside which, if the court approves, enables the matter to be reheard. Presently, such affidavits must be sworn before commissioners for affidavits who are often not readily available and consequently the benefits of the procedure are lost.

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

Amendments to the Supreme Court Act presently under consideration will allow affidavits for purposes of the court to be sworn before justices of the peace.

The last amendment contained in this measure relates to the period of imprisonment to be served for nonpayment of monetary penalties. This period was last reviewed in 1959, since when there has

been a striking change in money values and in many cases the amount of penalty which can be imposed. It is proposed that the period of default be calculated at the rate of one day for each $5 of the penalty instead of for each $2 as at present.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [2.52 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill, Mr. President, is to amend the Traffic Act, 1919-1970, to provide for—

(1) Variation of conditions and limitations of driver licenses issued by order of the court on appeal following refusal by the Commissioner of Police to issue or renew a license or where he has cancelled or suspended a license under section 24 of the Act.

(2) Payment of the difference in license fees appropriate to the unexpired portion of the license instead of returning the license and number plates when a vehicle subject to a concession in fees is disposed of.

(3) Authority for the Commissioner of Police to appoint traffic inspectors with limited powers for the purpose of carrying out duties of crosswalk attendants or vehicle examiners.

(4) Increase in license fees of commercial vehicles and related measures to provide for the replacement of road funds following the repeal of the Road Maintenance (Contribution) Act.

I have mentioned the measures in the above order, rather than the order in which they appear in the Bill, as the first three measures are mainly designed to overcome anomalies and I fully expect that the fourth measure, the revision of license fees, will be dealt with at greater length.

At present, a person who is convicted of an offence in connection with the driving of a motor vehicle, may apply to a magistrate in a court of petty sessions for the removal of the suspension and the issue of an extraordinary license. In directing the Commissioner of Police to issue an extraordinary license, the court is required to impose such limitations and conditions as it thinks proper. Provision is also made for application to the court for variation or cancellation of the limitations or conditions during the currency of the extraordinary license.

Where the Commissioner of Police refuses, under section 24 of the Traffic Act, to issue or renew a driver's license, or cancels or suspends a license, provision is made for appeal to the court and the issue of a license subject to conditions and limitations as it thinks fit. However, no provision exists for the variation of the conditions and limitations during the term of the license and the Law Society has drawn attention to an anomaly between sections 24 and 33A of the Act. The Commissioner of Police agrees with the proposed amendment which gives the court power to vary the limitations or conditions of a license issued under section 24.

The second measure, providing for the payment of a difference in fee where a concession has been issued under section 11 of the Traffic Act and the vehicle is disposed of to another person, relates to section 16 of the Act. Under that section, a person is at present required to return the license and number plates to the licensing authority when he disposes of the vehicle. There is little doubt that under subsection (8) of section 11 of the Act it was intended a person should be able to convert the license to full rates instead of returning the number plates when he disposes of the vehicle, and the proposed amendment is to remove any ambiguity.

Under the Police Act, the Commissioner of Police may, subject to the approval of the Governor, appoint noncommissioned police officers with extensive powers under the various Acts which they are required to enforce. For a number of years, crosswalk attendants have been appointed to carry out duties on school crosswalks, and recently civilian vehicle examiners have been appointed to replace police officers carrying out inspection of motor vehicles for licensing purposes.

It is necessary to give crosswalk attendants and vehicle examiners authority under the Traffic Act to carry out their duties and it has been the practice to seek the approval of the Minister for their appointment as traffic inspectors under the Act. In view of the numbers of such appointments, it is now desired to give the Commissioner of Police authority to appoint these persons as traffic inspectors, at the same time limiting their powers to the duties related to their position. There is no intention to interfere with the power of country local authorities to appoint traffic inspectors in their districts.

For the purpose of cancellation of the authority of traffic inspectors when they leave the job, provision has been made for

the revocation by the Commissioner of Police of any appointments previously made under the authority of the Minister.

To replace road funds, consequent to the repeal of the Road Maintenance (Contribution) Act, it is proposed to amend the third schedule to the Act to provide for a new scale of fees for commercial vehicles. For motor wagons, prime movers, and trailers with an aggregate weight of 50 cwt. or more, the new scale of fees provides for asssesment on the basis of aggregate weight; that is, tare plus load capacity calculated in accordance with the vehicle weights regulations.

Under this method of assessment, it may be expected that a road haulier, who operates a vehicle or a combination of vehicles with specifications appropriate to the type of work he is doing and at a level which could normally be considered economic, will pay an equitable fee. Opinions may differ as to what is an equitable fee, but it should be borne in mind that in most other States, road hauliers pay road maintenance tax on vehicles with a load capacity of four tons and over, while the registration and license fees are generally in excess of those applying in this State.

When introducing the Bill to repeal road maintenance contributions, reference was made to the new scale of fees and some complaints were received concerning increases applying to particular types of vehicles. In considering the new scale of fees in relation to the old, it is necessary to look at several factors which affect the situation. Firstly, it is necessary to consider the old scale of fees in relation to the fees for similar vehicles operating in other States. Secondly, it should be borne in mind that vehicles in the bracket of four-ton to eight-ton loads, did not contribute to road maintenance as is done in other States. Thirdly, it is necessary to consider the ratio of tare to aggregate weight. I do not propose to dwell on this aspect, as many examples of individual vehicles have been brought forward and members are generally well aware of the principles involved. Fourthly, it is necessary to consider the effect of the different bases of calculation of fees to road hauliers' fleets and the industry as a whole.

It is difficult to find a basis of assessment which is simple and yet fair to all types of vehicles and operators, but it is believed that assessment on the basis of aggregate weight will generally be more equitable than the previous basis of tare weight.

The Hon. J. Heitman: It will bring in much more money anyway.

The Hon. J. DOLAN: It is expected that anomalies may present themselves and these will be reviewed from time to time. An increase in fee, however, is not necessarily an indication that an anomaly has been created; it may have been brought about because of the correction of a previous anomaly.

In the case of a prime mover and semitrailer, it is proposed to attach the fee mainly to the prime mover. Concessions relating to semitrailers will be eliminated and these will be licensed at a flat fee of $10.00.

There has been some concern at the possibility of vehicles licensed in other States operating commercially in this State to the detriment of operators who license their vehicles in Western Australia. The proposed amendment to section 5 and the addition of section 5A is to require licenses to be taken out in this State where commercial vehicles are operating on other than interstate trade.

It is appreciated that many of the lighter type station sedans and utilities are operated as private vehicles and provision has been made for these to be assessed at the same rate as that applying to a motorcar where the vehicle is used for private or domestic purposes, or is owned and used solely by a charitable, benevolent, or religious institution.

A person carrying on a business of farming or grazing and who uses a wagon mainly for carrying the requisites, or products, of that business in respect of one property, is at present entitled to a concession of one-half of the normal license fee for one vehicle of a tare of 30 cwt. or more. This concession is to be increased to two-thirds and those entitled to the concession will pay only one-third of the normal fee. A concession of one-third—that is two-thirds of the normal fee—will be extended for a second vehicle.

As a deterrent to that small minority of persons who may be expected to make false statements concerning the use of a light utility or panel van for private purposes, it will be an offence to make any false or misleading statement or representation in a declaration for the purpose of obtaining a concession.

The subject of this part of the Bill is to replace funds urgently needed for road construction and maintenance. No measure to increase fees is met with enthusiasm, but an objective assessment of their effect on the transport industry as a whole will indicate the merits of the proposals. To the extent that every commercial vehicle owner will not be pleased, it is appreciated that the perfect solution to the problem may not have been found. Nevertheless, I believe the basis of assessment is sound and the scale of fees is reasonable and equitable. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. A. F. Griffith.

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.03 p.m.]: I move—

That the Bill be now read a second time.

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

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

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

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

Debate adjourned, on motion by The Hon. A. F. Griffith.

POSEIDON NICKEL AGREEMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.05 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement between the State and Poseidon Limited relating to nickel mining, the concentrating of nickel ore and possibly at some future time the smelting of nickel ore. The agreement was executed on behalf of the State by the Premier and on behalf of the company by two of its directors on the 27th July of this year.

The project, as outlined by the company, involves an expenditure of more than $55,000,000 in the development of the mine and the concentration plant including all associated works, support facilities and infrastructure. It is designed to mine and treat 700,000 tons of nickel ore in its first stage with an expected increase to 1,200,000 in its second stage. Although the company has been investigating the possibility of commencing its activities with the 1,200,000 tons target this will depend upon a number of factors, but principally upon the availability of sufficient water for this to be undertaken.

A possible third stage will be the establishment of a smelter if this becomes economically feasible.

This agreement in one very important respect differs from previous State agreements for mineral development; that is, it does not confer on the developing company any mining tenements or rights of exploration in any mineral field other than those already held by the company under the mining Act.

On the other hand, neither does it introduce any departure from the scales of royalties and lease rents payable under the Mining Act.

The agreement itself becomes necessary in order to establish guidelines for the co-operation which will be required between the company and the State to permit the establishment of the necessary road and rail transport facilities and the provision of water, electricity, townsite development and associated community services. It also binds the company to a commitment to upgrade all ore produced at the mine at least to the stage of concentration and possibly to the stage of smelting at some later date.

Poseidon N.L.—later to become Poseidon Limited—was formed in 1952 to mine tungsten ore in the Northern Territory. Due to a steady drop in the value of tungsten over subsequent years it was not possible for a profitable operation to be commenced. In 1968 the company acquired a number of mineral claims in the Laverton district in Western Australia and commenced an intensive exploration programme. This programme, I am advised, resulted in the discovery of a substantial nickel ore body at Mt. Windarra, approximately 14 miles north-west of Laverton, in September, 1969.

Since then the company has been engaged actively in investigating the engineering, marketing and financial requirements for the establishment of a feasible mining and treatment operation. It has retained the services of consultants—Messrs. Kinnaird, Hill, de Rohan and Young Pty. Ltd., assisted by town planners, T. S. Martin and Associates—to study the development of the mining operation and the associated townsite. The company took over Samin Limited, which was previously one of its substantial shareholders. in order to provide itself with the technical background to develop the mining project. Also it acquired the well-established goldmining firm of Lake View

and Star Limited in order to gain the benefit of that company's treatment facilities near Kalgoorlie.

The project is to be developed on the land defined in the agreement as the "mining areas". These areas are composed of an aggregate of 38 approved mineral claims and four mineral claim applications which are currently being processed. The total area of this land is approximately 10,334 acres, situated north-west of Laverton.

At this stage, Mr. President, I seek your approval to table a copy of the plan marked "A" referred to in the definition of the mining areas. In addition, to assist members in following my outline of the project I would like to table a larger plan showing the deposits in their relationship to the surrounding area. Just at the moment I have not got these plans, but I am told they will be here very shortly.

The company plans to commence production late in 1972; that is, next year. Mining activity will be centred on a position close to Mt. Windarra, which is roughly 14 miles north-west of the existing town of Laverton and is on the northern end of the company's leases. Mining will be by mechanised methods. Initially, ore will be brought up a decline to the surface by diesel trucks. Later, underground primary crushing will be adopted with skip-hoisting up a vertical shaft.

Members may be interested in a short description of the mining operation. Access to the ore body is to be through a declining shaft at an angle of one in nine to a planned depth of between 400 and 450 feet. This will involve a total length of approximately 3,600 feet for the decline. When stage two is reached the decline will be extended to the 750-foot depth level.

I am advised that towards the end of August the decline had reached a length of 755 feet and was progressing at a rate of about 100 feet a week.

The decline opening is 16 feet high and 14 feet wide and is reinforced by the "Shotcrete" method. Surfaces are treated within a very short time after exposure to eliminate any crumbling due to contact with the atmosphere. When the ore-body is reached ore will be extracted by a cut and fill operation working upwards towards the 200-foot level. It is intended eventually to work four ore bodies. Two of these will be worked by the cut and fill method and the other two by a method at present used at Mt. Isa, which is known as "uphole benching". This is a method which is used when it is desired to generate an early cash flow. It involves dropping ore from above in 50-foot slices by upward drilling.

The company expects to have ore at grass before June of next year.

After primary crushing the ore will be transported by road over a distance of roughly 63 miles to a rail siding at Malcolm. From railhead it will be railed to the existing Lake View and Star concentrating plant at Fimiston. Concentrates produced by that plant will have a nickel content of 10 per cent. to 12 per cent. As a first step, these concentrates will be railed to Esperance for shipment. It is hoped that arrangements later will be made for further treatment of the concentrates in Western Australia either by Poseidon Limited or by another company.

Stage two of the project provides for the establishment of a concentration plant at Mt. Windarra for the treatment of full production on the mining site. The quantity of ore mined will then increase to 1,200,000 tons resulting in an annual production of approximately 240,000 tons of concentrates. At that stage there will be no further transportation of ore to Kalgoorlie but the increase in output of concentrates will compensate to some extent for the loss of tonnage to the Railways Commission.

Having given this broad outline of the project, I will now explain some of the detailed provisions of the agreement.

The company is required by the agreement to submit detailed proposals for the approval of the State before the end of this year. The Minister responsible for the agreement will be empowered to extend the time for the lodgment of these proposals if required.

The proposals will set out particulars of the company's plans for the mining and transport of its products and for the development of associated facilities and community services, including housing and townsite development. The company also will be required to furnish evidence of its marketing arrangements and the availability of finance for the development of the project.

At that stage the Government will be in a position to satisfy itself that the project is economically viable and that the development planned by the company is in the best interests of the State.

The company is currently conducting negotiations with major mining development companies with a view to participation in marketing and finance. The Minister for Development and Decentralisation is being kept in constant touch with these negotiations by the company.

There is every indication that the company will be wasting no time in the submission of its proposals and the implementation of those proposals once they are approved. The company has already spent more than $5,500,000 and the rate of spending is likely to accelerate once the agreement is ratified. Any delay beyond the target date for production will therefore be costly to the company.

As mentioned earlier, the agreement does not grant any special mining tenements or exploration rights to the company. Provision has been made for the company to apply for and obtain a single mineral lease or a series of mineral leases as the case may require, covering the areas in respect of which it has existing mineral claims or applications. The lease will cover the mining of copper, nickel, cobalt, lead, zinc, platinum, silver and palladium, plus any additional minerals which the Minister for Mines may approve from time to time.

It is proposed that the lease should be for a period of 21 years with an option of renewal for a similar period. The Minister is also given a discretion to grant a second renewal for a further period of 21 years subject to such conditions as the Minister may then determine.

Under the agreement the company is exempted from compliance with the labour conditions imposed under the Mining Act. I would like to explain that that has nothing to do with the requirement that a certain number of men shall be employed. This is a feature which is completely unrealistic in this day and age and which will be eliminated in the new Mining Bill which I am advised it is hoped to introduce. Sophisticated machinery is now being used and it would be more realistic to stipulate certain work must be undertaken or certain expenditure involved rather than specify a given number of persons to be employed.

Rentals, as mentioned previously, will be as provided in the Mining Act as it exists or by any amendment thereof or legislation passed in substitution for that Act. Members will appreciate that the royalties laid down in the Mining Act are based on 2 per cent. of the value of the mineral.

The company is required to pay royalty on all minerals mined or produced from its mineral leases at the rates prescribed in the Mining Act from time to time. In other words after an initial period the 2 per cent. requirement can be varied—if that be the wish of Parliament—as applying to minerals generally.

To permit the company to plan its financial requirements in its early stages it is provided that in the first three years it will not be liable to pay royalties on nickel at a rate higher than that existing at the date of execution of the agreement; in other words, 2 per cent, as is the position at the moment. In the first stage of production royalties are expected to yield $600,000 annually to the State Treasury. This figure could exceed $1,000,000 per annum when stage two is implemented.

Among the capital works to which the company will contribute is a new sealed public road 20 feet wide connecting the mining plant site with the rail loading point at Malcolm by the shortest practicable route and extending to join the existing sealed road from Kalgoorlie to Leonora. The company will contribute 50 per cent. of the cost of this road, which will eventually provide the main access to the Warburton Range and Alice Springs. Heavy haulage trucks will be used for the transport of crude ore or concentrates, whichever is appropriate.

The road will pass close to the proposed townsite and the company will be responsible for a connecting road to the townsite and all roads within the townsite during the establishment of the town. The company will also construct private roads within its mineral lease. The State will provide a road connection with the existing town of Laverton.

The company is also required to pay the capital cost of the upgrading of the existing railway line from Malcolm to Kalgoorlie, a distance of 147 miles. It will also pay for the short section to Fimiston, if required, plus the construction of any new section necessary to connect the Malcolm to Kalgoorlie line to a point of discharge at or near Kalgoorlie. The cost of upgrading the line from Malcolm is expected to be just over $4,000,000. In the event of a decision being made to convert this line to standard gauge, the agreement permits the use of the company's contribution for this purpose. This would represent a very substantial part of the total cost of standardisation.

The company will provide all wagons necessary for the transport of ore or concentrates and provision is made for the company to make available and lease to the Railways Commission such locomotives and brakevans as may be required. In consideration of its financing the upgrading of the railway line and providing all necessary wagons, the company will have the benefit of a special scale of freight rates. These freight rates are set out in detail in the first schedule to the agreement. Members will see these rates at pages 33 and 34 of the Bill.

The Railways Commission has provided two separate freight tables; one for nickel ore between Malcolm and Fimiston, and the other for concentrates. Should the company decide to establish a treatment plant at Mt. Windarra before the expiry of the five-year period contemplated in stage one of its project, the tonnage of ore hauled by rail in that period is likely to fall short of the amount required to achieve an adequate spread of the commission's establishment and operating costs. To take account of this possibility, alternative rates have been prescribed for concentrates. The higher of these rates will apply until a minimum of 3,500,000 tons has been hauled over the Malcolm to Kalgoorlie section.

Provision is made for variation in the scheduled rates to take account of any change in the conditions of haulage or the basic operating costs of the Railways Commission.

Concentrates will be railed from Fimiston to Esperance by the existing rail route, but when the proposed deviation through Widgiemooltha comes into service, the new line will be used. However, the company is committed to pay freight on the basis of the mileage by the existing route. Provision has also been made for the railing of concentrates to the proposed Western Mining Corporation smelter, south of Kalgoorlie, if the two companies eventually enter into an arrangement for smelting in this manner.

While the agreement contemplates the shipment of concentrates from Esperance it makes provision also for the use of any other port in Western Australia, subject to the approval of the Minister. There would obviously have to be most compelling reasons for any Minister to agree to a proposition that a port other than Esperance should be used. All ship-loading and other handling facilities at the port will be provided by the company or shared with other companies operating at the port. The State will not be involved in any expenditure on the provision of facilities. Normal wharfage and handling charges will be payable to the appropriate port authority.

As might be expected the water requirements of the company will be critical to its operations. While it carries out its concentrating process at the Lake View and Star at Fimiston, it will require the whole of the Lake View and Star's present allocation of 350,000 gallons a day, and possibly more from the goldfields water supply. To supply the mining operation at Mt. Windarra and the domestic requirements of the new town, a further 540,000 gallons of potable water per day will be needed. This water will have to be supplied from local underground sources. The Public Works Department is currently carrying out an exploration programme at the expense of the company to locate suitable supplies.

When concentration of ore commences at Mt. Windarra the total daily water requirement at the minesite and the new town will increase to 1,070,000 gallons of potable water and 700,000 gallons of non-potable water. Further underground supplies will have to be located to satisfy this requirement. The company is continuing to search for water in the mining areas and the Public Works Department is conducting searches outside those areas. Indications to date encourage confidence in the success of this search, but of course there is no certainty as yet.

The extent of the availability of water will be a governing factor in the timetabling of the company reaching its maximum output.

When adequate water supplies are found the State will authorise the drawing of water by the company through bores, pipelines, and other facilities supplied at the company's expense. However, the State will retain the right to take over and operate any scheme in the event that this becomes necessary in the interests of conservation or efficient management of water supplies. The company will be required at all times to economise in the use of water and to make use of saline water and recirculation methods wherever possible.

Water supplied to the company through schemes established at its cost will be paid for at a reasonable price, having regard to the actual cost of maintaining and operating the supply. Where water is supplied to domestic consumers in an open town the normal rates payable under the Country Areas Water Supply Act will apply.

The company will be permitted to generate its own electricity and all installations will be designed and constructed in a manner which will comply with the requirements of the State Electricity Commission. Provision has been made for the company to distribute power in the town in the early stages of its operations. Later the distribution of power is expected to be taken over by the local authority, the State Electricity Commission, or other appropriate body, which will purchase power in bulk from the company at a reasonable price. Clause 10 of the agreement makes provision for this to be done in concert between the parties.

The company expects to export concentrates during the early years of its operations. This is necessary in order that the company may generate a cash flow to service its initial capital outlay. Nevertheless, the company recognises the Government's desire for the maximum possible upgrading of nickel within this State and has undertaken to devote its efforts towards this objective.

The company, under clause 17, must investigate the feasibility of smelting its concentrates and report its findings to the State by the end of the tenth year of its operations. The State may also undertake its own studies and provision is made for nonconfidential information to be exchanged. Should the company be unwilling to establish a smelter, even though economic, the State may negotiate with a third party to provide a smelter, in which case the company must sell a portion of its concentrates to the third party in sufficient quantities to meet the requirements of the third party from time to time. This is covered by clause 17 (5).

The company may also join forces with, or otherwise dispose of, its concentrates to existing or planned smelters within Western Australia. At this point the operations at Kambalda come to mind.

Employment at the mine will generate a permanent population of about 1,200 with a possible increase to 3,500 should a smelter be established in the area. The company has made lengthy investigations into the best means of accommodating this population and has retained the services, as I mentioned earlier, of T. S. Martin and Associates as town planners. On the advice of the consultants the company now wishes to establish a new town seven miles south west of the mine site on an almost direct line between the mine site and the rail siding at Malcolm. The principal reasons for this choice are the closer proximity of this site to the scene of operations, the convenient situation adjacent to the proposed new road, and the more suitable environment for the establishment of a town sufficiently attractive to enable the company to obtain and retain operating staff. The company is seeking to maintain a fairly high proportion of married personnel.

The State has agreed to the reservation of a suitable site which is shown on the plan I am submitting for tabling. Sufficient land will be allocated to provide for a town, the plan of which is to be lodged by the company in conjunction with its proposals for the townsite. Leases of land to meet the reasonable requirements of the company will be granted and in due course it will be possible for the company to obtain the fee simple to land on which it has carried out sufficient development. It is proposed that the company will have the right to develop the town in accordance with its proposals and the right to allocate sites during the first three years of its operations. At the end of that period arrangements will be made for the control of roads, water supplies, sewerage, electricity and public amenities to be transferred to the appropriate public authorities. The town will then be declared a townsite under the provisions of section 10 of the Land Act.

The company is anxious, as is the Government, that the new town—apart from being attractive in itself—shall not become a company town, but that there will be a proper mixture of people associated with activities of one sort or another, and not necessarily associated with the business of the company. But, somewhat understandably, the great majority of those who will live in the township will be employed by the company.

In conformity with the town plan, land will be reserved for future development either by Poseidon Limited or by others. This will cater for expansion of activities, especially if a smelter is established in the vicinity. Adequate land will also be reserved for recreation and other public purposes. The townsite has been situated seven miles from the mine to allow an adequate buffer zone in the event of the establishment of a smelter. It is not desirable that people should live in close proximity to smelting operations.

The company will be required to provide all housing needed to accommodate its staff and any consequential population required to supply essential services to the town community. The company will also provide at its own cost buildings and equipment needed for educational, medical, hospital and police service and for required public amenities, both indoor and outdoor.

It will be in the interests of the company to build an attractive town if it wishes to encourage suitable staff to take up residence in this otherwise arid area.

Provision is also made in the agreement for the company to assume responsibility for housing and community services in any other town in which its operations generate a significant increase in population.

Members might well ask: "What will be the fate of the existing town of Laverton?" Some concern has already been expressed by residents of that town that it may become a ghost town because of the natural tendency of business proprietors and others to follow the trend towards the new centre of population. Although the final outcome cannot be accurately predicted, it is confidently expected that Laverton will not die out. The existing facilities, such as the hospital and airport, will be retained and the present function of the town in catering for the needs of exploration activities in the area is expected to continue for some time.

The old town is not considered by the company to be suitable for expansion. Development of a new site was recommended by the consultants rather than an attempt to graft a completely new section onto the existing town, thereby creating a divided community.

In the course of negotiations with the company on matters relating to the new town there have been several consultations at departmental level with the town planning consultants and with representatives of the Shire of Laverton. Although there has been some understandable reluctance on the part of the shire representatives to accept the company's decision to establish a new town rather than develop the existing one, there is a general realisation that the company will be bearing the full cost of establishment of the town and must therefore be afforded the opportunity to choose the site which will best satisfy its requirements. Both the shire and the company are conscious of the need for co-operation in the development of the new community.

In line with this Government's policy on protection of the environment, the agreement confirms the obligation of the company to comply with the requirements of all State agencies, instrumentalities or departments, and all local authorities, relating to the protection of the environment; that is, existing legislation and any that may be enacted in the future. In submitting its proposals for approval, the company is required to outline, where appropriate, all steps to be taken by it for the suppression of dust, the control of liquid and gaseous wastes and all other measures for the protection of the environment.

The agreement contains the usual provisions required to ensure the smooth operation of a major project of this type, including protection of the company's industrial installations against resumption or a change in zoning of the land it occupies. Provision is made for the maximum use by the company of local labour and locally-produced materials and services. Other clauses define the rights of the parties in the event of delay or on the determination of the agreement. Provision is made for the settlement of disputes by arbitration.

One important new requirement has been inserted in the agreement by this Government in clause 37, the variation clause. In the event of the parties agreeing to any substantial alterations to the rights or obligations of either of them, the Minister is required to cause the variation agreement to be laid on the Table of each House of Parliament within 12 sitting days of its execution. Either House will have the opportunity to pass a resolution disallowing the variation. This is a provision to safeguard the prerogative of Parliament and all other measures for the protection of agreements of this nature.

The Minister for Development and Decentralisation paid a tribute in another place to the company for its co-operation and understanding of certain issues the Government was anxious to have incorporated in the legislation.

I concur with the Minister as to the benefits—financial and otherwise—which will accrue to the State from this agreement. Employment will be provided at Kalgoorlie and at Mt. Windarra for more than 300 people at a time when the downturn in activity in the gold mining industry is giving rise to some anxiety on the eastern goldfield. The effect of the Poseidon project will be to keep the Lake View and Star plant operating at Kalgoorlie, to create some employment opportunities at the Port of Esperance, and to establish a completely new operation at Mt. Windarra which is expected to absorb workers previously employed in goldmining activities elsewhere.

The State will also make considerable gains in the form of capital works to be provided by the company, notably the upgrading of the railway line between Kalgoorlie and Malcolm and the construction of a new main highway which will be a direct benefit to the whole of the area which it serves.

Additional revenue will be received by the State in the form of royalties which, as previously mentioned, will commence at the rate of about $600,000 yearly, later growing to $1,000,000 yearly. To this will be added rent of the mining leases approximating $5,000 a year. In addition the charges collected for services provided in the form of rail freights, wharf charges, etc., will reach $2,000,000 a year in the first stage of the company's operations, and later, probably $3,000,000 a year.

Apart from the revenue collected by the State, this new industry will make a valuable contribution to the nation's export earnings and will naturally be providing a substantial benefit to the Commonwealth Treasury in the form of income and other taxes.

The project promises to become an extremely valuable decentralised industry from which nothing but benefits can arise. The Government sincerely hopes and expects that this project will be the forerunner of a number of similar substantial developments in the area, each of which will make its contribution to the advancement of the eastern goldfield area and the general development of the State.

On the adjournment of this Bill being secured in another place and before proceedings on the Bill could resume an announcement was made by the company that it had entered into an agreement with Union Oil Development Corporation, Australia Hanna Ltd., and Homestake Iron Ore Company of Australia Ltd. for the joint operation of their respective nickel claims near Laverton. Because of this announcement the debate did not proceed and there followed the subsequent prorogation of Parliament.

Assuming that they do decide to proceed, as is confidently expected by the Minister for Development and Decentralisation, the parties will then apply to the State for a variation of the agreement with the State, whereby Union, Hanna, and Homestake would become parties to the agreement.

The company has been informed that the Government is prepared, up to a limited time, to await the outcome of the joint studies to be carried out and should indications be favourable the proposed merger and subsequent variation of the agreement will receive favourable consideration. It is not considered that any alteration to the agreement with Poseidon Ltd. is necessary at this stage. Poseidon has made it clear that even if the merger

does not come to pass it will be continuing alone or with other partners to develop the project.

There is therefore nothing to be gained by any further delay in the consideration of the Bill, which I commend to the House.

The plan relating to the agreement was tabled.

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.35 p.m.]: I move—

> That the Bill be now read a second time.

Part X of the Western Australian Industrial Arbitration Act deals with "Equal Pay for Male and Female Workers," and provides that the Industrial Commission will award equal pay to female workers in an occupation when performing work of equal value to that of their male counterparts. However, this is conditioned by the proviso in subsection (2) of section 146 which reads as follows:—

> This Part does not apply to or in respect of those provisions of any award or industrial agreement that apply to persons engaged in work essentially or usually performed by female workers but upon which male workers may also be employed.

The purpose of this Bill is to delete that subsection from the Act, thus removing the impediment.

It will however remain necessary that female workers will be required to prove to the Industrial Commission that the value of their work is equal to that of their male counterparts. In the future, however, they may not be automatically precluded, no matter what their case, by virtue of the fact that they work in an occupation which is usually or ordinarily performed by females.

To review the earlier situation, I would mention that in 1968 part X was inserted into the Act by an amending Bill. A number of other States had over a period legislated for the concept of equal pay and the previous Government saw fit to follow suit. New South Wales legislated in 1959, followed by Tasmania—for the Public Service—then South Australia with Western Australia next. In all cases the legislation provided for the phasing out of the differential between the male and female basic wages over a five-year period. Although New South Wales was first in the field, Tasmania, South Australia, and Western Australia each introduced concurrent legislation by phasing out the differential from 1968 with equal moieties until parity of wages is attained on the 1st January, 1972.

The Commonwealth Industrial Commission in its 1970 national wage decision decided to adopt a similar approach and it, too, phased out the differential between male and female wages for work of equal value and of the same and like nature and to apply on the same date; that is, the 1st January, 1972. I understand that there is little variation in the attitudes of the various States with regard to this matter. Both New South Wales and South Australia have provisions similar to section 146 of our Act, while the Commonwealth and Queensland Acts give to the respective commissions complete discretion to deal with the matter as thought fit.

The view is held in Tasmania so far as employees who come within the scope of the Wages Board Act are concerned that existing powers of boards are adequate to deal with equal pay should they so desire.

I understand that it is, and has been, the view of the present Victorian Government that the matter of equal pay is one for determination by the appropriate industrial tribunals as and when appropriate cases are brought before them for determination. Consequently, of the seven Industrial Arbitration Acts in Australia only three—those of New South Wales, South Australia, and Western Australia—bear specifically on the discretion of the respective industrial tribunals in this field.

The South Australian Minister for Labour and Industry has foreshadowed the removal of the impediment from the South Australian legislation. The Industrial Tribunal of New South Wales, despite the restrictive clause, has granted equal pay in some areas by exercising certain wide overall powers. This is similar to the position in Victoria.

The deletion of section 146(2) from the Western Australian Arbitration Act is, therefore, in uniformity with actions taken or being taken by other State Governments.

In respect of female wages, the Minister for Labour is of the opinion—and this is shared by others—that the Western Australian Industrial Commission already has the authority to award equal total wages to female workers when it considers the situation justified. However, it is a fact that section 146(2) raises complications for the commission in the administration of that particular part of the Act and for that reason the Government believes that by removing any inhibitions or restrictions from the Act it is rightly clothing the Industrial Commission with the jurisdiction to award equal pay as and when it sees fit.

The Act as it now stands can be said to be restrictive to certain female workers and is therefore unfair. I understand that the overall question was raised during the last conference of Ministers for Labour, on which occasion the Minister for Labour made the point, I believe, that he would seek an amendment to the Western Australian Act.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.42 p.m.]: I move—

That the Bill be now read a second time.

Section 117A of the Land Act was introduced as an amendment to the Land Act by Act No. 55 of 1969. It was framed "for the purposes of facilitating the construction and maintenance of subways and bridges under and over streets, for the use of pedestrians and for other purposes" and empowered the Governor to grant a lease or license of any part of land that is vested in the Crown pursuant to section 286 of the Local Government Act.

Any lease or license so granted is subject to the provisions of section 511 of the Local Government Act; that is, the construction of any works associated with the lease or license is to be approved and authorised by a council with the consent of the Minister for Local Government, and the works shall be maintained.

However, Crown Law opinion is that whilst this legislation is generally sufficient to enable leases or licenses to be granted under the Land Act in respect of simple pedestrian ways under and over roads, it does not provide for more complex works which have been initiated since that legislation was framed. Examples of these are—

(1) Underground parking.
(2) Vehicle traffic ramps rising through footpaths.
(3) Footings of columns and escalator bases on footpaths.
(4) Underground shops in pedestrian arcades.
(5) Foundations of overpasses on road reserve.

A case pertaining to underground parking beneath a roadway was referred to the Crown Law Department for legal opinion, as a result of which it became evident that an amendment to the Land Act to permit the lease or license of land beneath a road was a purpose outside the scope of those presently contained in section 117A of that Act.

This Bill, therefore, proposes to amend section 117A of the Land Act to enable the Governor to grant a lease or license to facilitate the construction and maintenance of subways, tunnels, overways, bridges, escalators, or other structures under, over, or on streets for—

(a) The use of pedestrians and other purposes.
(b) The passage of pipes, cables, electrical transmission lines, conveyor belt systems, or other services.
(c) The passage, parking, and storage of vehicles or other means of transport.
(d) Commercial purposes including shops and offices.
(e) Public purposes, including toilets, rest rooms, and creches.

I commend the Bill to the House.

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

Sitting suspended from 3.45 to 4.02 p.m.

POSEIDON NICKEL AGREEMENT BILL

Tabling of Plans

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.02 p.m.]: Mr. President, I now have the plans to which I referred before afternoon tea was taken. I should like to table them with your permission.

The plans were tabled.

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.03 p.m.]: I move—

That the Bill be now read a second time.

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

When Cockburn Cement established in Western Australia in 1952, there was an agreement between the company and the State. This was redrafted in 1961 to have regard for developments in the intervening period. As a result of further developments, the 1961 agreement was redrafted again early this year and executed on the 18th February, 1971.

There are a number of major points of difference between the latest agreement and those of earlier years. Firstly, the company

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

The latest agreement also provides that the company is relieved from certain obligations under the Mining Act. That is a broad outline of the agreement and I will now explain to members in detail the various clauses, though indeed the clauses will be found to be readily understood by members.

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

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

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

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

The next clause sets out in detail the conditions under which the company may dredge shell sand from portion of the Parmelia and Success Banks. This right was contained in the original agreement, but was never taken advantage of by the company. However, the company now desires to utilise shell sand in its manufacturing operations, and will commence taking the material as soon as the necessary plant and equipment have been delivered. This will involve the company in expenditure in excess of $2,000,000.

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

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

Clause 7 sets out the obligations of the State. It obliges the State not to grant any rights under the Mining Act or the Land Act over the work site or other land which the State may approve. The purpose of this clause is to ensure that the company's reserves of raw materials are not jeopardised.

Recently a responsible officer of the Town Planning Department raised a query about this thinking that, without the matter having been fully investigated, this could, perhaps, impede the orderly development of a certain portion of the Cockburn Sound Area. The Minister for Development and Decentralisation is having that aspect investigated and it is hoped that the fears of the Town Planning Department will be found to be baseless; in other words, that the agreement will be pursued without it being necessary to have further talks with the company.

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

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

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

There is a standard clause related to the use of local labour and materials. Cockburn Cement is, I think, generally known to use local contractors whenever possible. Incidentally a local firm received the contract to construct the barges which will be used during the dredging operations.

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

The Hon. G. C. MacKinnon: You have mentioned a number of departments, but not the Fisheries Department. Has that department had any say in this?

The Hon. J. DOLAN: I could not say, but I shall find out for the honourable member.

Members will note that the second schedule to the Bill is a further agreement which, in effect, is an amendment to the document of the 18th February

which was signed on the 25th August by both the Premier and the Minister for Works. It merely gives effect to a request by the company that cement be defined and that the definition be extended to include the manufacture of lime.

The plan was tabled.

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.11 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill have four main objectives devised for the better administration of the Western Australian Institute of Technology Act.

The first objective is to provide a more appropriate procedure for the filling of a casual vacancy on the institute council caused by the resignation, retirement, or death of a co-opted or elected member.

The second purpose is to correct the reference to the Mental Health Act, 1962, contained in section 10 of the principal Act.

The third reason for introducing this legislation is to remove any doubt as to the legality of the institute's superannuation scheme.

The fourth proposal provides for payment of compassionate, marriage, and other allowances to employees of the Western Australian Institute of Technology similar to those enjoyed by employees under the Public Service and Education Acts.

Dealing with the first amendment which relates to the constitution of the institute council, I would mention that subsection (6) of section 9 of the principal Act deals specifically with the filling of a casual vacancy on the council. This subsection provides that where a casual vacancy occurs the Governor may appoint a person to the vacant office.

It is now proposed to provide a more appropriate procedure for the filling of such a vacancy, as experience has shown that the necessity for the Governor to appoint members to all casual vacancies on the council is not always of practical application. It is therefore proposed that the appointment of members, either elected or co-opted, to casual vacancies will in future be carried out in the same manner as that in which the original appointment was made. The constitution of the council as statutorily required under section 9 will not be affected by this amendment.

The next amendment, relating to paragraph (c) of section 10 of the principal Act, merely updates a reference in that section to section 4 of the Mental Health Act, 1962.

The next amendment which I shall explain relates to superannuation. Academic staff at the institute have been required as a condition of appointment to contribute either to the State Superannuation Fund or to the institute's superannuation fund.

Doubts have been expressed recently as to the power of the council to establish and maintain an institute superannuation scheme as currently set out in the principal Act. It is therefore proposed to amend section 30 of the principal Act to provide specific statutory authority for the operation of the institute's superannuation scheme and for a staff member to contribute to either the State Superannuation Fund or, alternatively, to the institute's superannuation scheme according to conditions laid down by the council. This should clarify the matter and validate action taken by the council of the institute.

By adding a new section, 30A, provision is made for the establishment and operation of the scheme, the transfer of superannuation rights of staff previously employed by other educational and research institutions, and the validation, as I mentioned previously, of the action taken by the institute prior to this amendment being submitted.

Finally, it is proposed to amend section 34 by the insertion of a new subsection (1b) to provide similar provisions regarding compassionate, marriage, and retirement allowances to those contained in subsection (6) of section 56 of the Public Service Act. This amendment will extend to employees of the institute similar rights to those enjoyed by employees under the Public Service and Education Acts.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

ENVIRONMENTAL PROTECTION BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.15 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill, Mr. President, is to introduce effective legislation for the protection of the environment of this State. The preparation of this measure has involved many meetings of departmental officers with a view to reconciling differences of opinion so as to produce the

type of legislation which would meet the wishes of the Government. It is believed that objective has been achieved in the drafting of this Bill. It may well be claimed that the Bill in the form in which it is presented would ensure that there would be no better legislation elsewhere in Australia for the protection of the environment.

It is proposed that this will be effected, firstly, by the establishment of four environmental protection bodies, and, secondly, by providing those bodies with the authority necessary to ensure the control of pollution and the preservation of our natural environment.

The four proposed bodies to which I refer are—

an environmental protection authority consisting of three members;

a department of environmental protection within the Public Service;

an environmental protection council of 14 members; and

an environmental protection appeal board which will consist of three members and which will vary from occasion to occasion.

The upsurge of public awareness and concern for the protection of the environment is of fairly recent origin and in this Chamber we have agreed on the necessity for the introduction of legislation that will enable the Government to take effective steps to control all forms of environmental degradation.

We feel that the previous legislation could not adequately cope with the enormous needs of the task and this is why the present Government did not have it proclaimed.

The Hon. A. F. Griffith: We did not even try it out.

The Hon. W. F. WILLESEE: Instead, this Government has taken positive steps in establishing a department of environmental protection under the control of the Director of Environmental Protection appointed by the previous Government. The director has taken an active part in advising the Government on many aspects of environmental problems that have arisen—and indeed many that we inherited—since we took office.

In formulating this legislation, we considered that what was required was a Bill which would give an environmental protection agency the required powers and authority to protect our environment in the manner we regard as essential, and this Bill so provides.

This legislation will enable the Government to take positive action to control environmental degradation; to establish environmental protection policies that will set acceptable standards for the present and for the future; to invoke public opinion as and when necessary; and to provide avenues of appeal in appropriate cases.

There is a fundamental difference between the previous Bill and that which I present today. This Bill provides for the establishment of a statutory authority with power to act and power to protect the environment—powers which the previous legislation lacked.

The environmental protection authority will consist of the Director of Environmental Protection and two other members, at least one of whom shall be a person with a knowledge of and experience in environmental matters. Membership of the authority will be of a standard and public stature that befits the important role of this body in planning present and future activities of the State.

Those powers will be widespread and range from the specification of standards and criteria to the publication of model by-laws for adoption by local authorities. We fully recognise this vital role which local authorities can play in environmental protection.

The authority will also be responsible for the co-ordination of all activities that are necessary to protect, restore, or improve the environment of the State. This positive approach will entail seeking to improve, and not merely to protect, the environment in ways that the authority regards as necessary and practicable. We believe that in the long term the authority must not only protect but "restore" and "improve."

One of the most important functions of the authority will be to formulate State environmental protection policies. These will be far-reaching, affecting both the Government and the individual. Because of this we also provide for further environmental protection bodies.

So that the authority may function effectively and obtain the best possible advice and guidance from a specialist body, provision has been made for the appointment of an environmental protection council. Whilst the role of the council is primarily that of an advisory council, it is to be by no means subservient to the authority.

Provision has been made for the council to advise the authority on any matters relating to its responsibilities, functions, or powers. It is not necessary for the council to wait to be asked to offer advice. The council may offer advice to the authority irrespective of whether the matter has been referred to the council for its advice. In addition, should the council see fit to submit a recommendation on any matter which is the subject of council inquiry, it is empowered to submit the recommendation direct to the minister at any time of its own volition.

Additionally, an amendment moved in the Legislative Assembly by the Premier requires the council to submit an annual report to the minister of its proceedings for the past twelve months for tabling before Parliament.

Another amendment passed on a motion of the Premier will make it obligatory for the Lands Department to advise the authority of its intended alienation. The legal advisers to the Government had suggested this amendment was necessary in order that alienation of Crown Land by the department should come under the provisions of this legislation as desired by the Government. This brings the Lands Department into line with other departments which must inform the authority of intentions which might have an adverse effect on the environment.

At this stage I take the opportunity of referring to several other aspects amended in the Legislative Assembly as a consequence of amendments moved by the Deputy Leader of the Opposition. One of these affects those who may require the director to convene a meeting of the council. The Premier moved an amendment on a matter of principle to the effect that the director, when presiding at a council meeting, should have only one vote and that would be a casting vote.

A specific requirement is also written into the Bill to ensure that the authority, when requested by a Minister to investigate a matter, shall report to the Minister as often as the Minister requires. Mr. Court sponsored that amendment. There seems little necessity for spelling out the requirement; it would be routine procedure.

Another of Mr. Court's amendments dealt with unauthorised discharges of wastes and who should bear the cost of monitoring and requiring results of analyses to be furnished to the instigator of the waste product or polluting matter.

The powers of inspectors when entering premises to examine industrial plant were also spelt out by another of Mr. Court's amendments. Action by inspectors must only be to the extent required to ascertain whether the provisions of the Act are being complied with. Trade secrets are more specifically protected in amendments to clause 70 inserted by the Premier. In Committee I will move a further amendment which will provide an appeal procedure to protect a manufacturer with a special trade secret.

Clause 83 was amended on the motion of Mr. Rushton to remove an obligation on local authorities to make by-laws required by the Minister on the recommendation of the authority. "This will provide an opportunity for local authorities to display co-operation with the environmental protection authority" commented the Premier.

In consideration of the membership of the council, we believe that it is more important to have the right people than to prescribe too rigid representation of particular interests. Accordingly, membership of the council is not spelt out in detail at this time. However, we have decided that there will be one representative of each of the following:—

(a) local authorities;

(b) persons engaged in secondary industry;

(c) persons engaged in the extraction and primary processing of mined material; and

(d) persons engaged in other forms of primary industry, for example, agriculture.

There are to be seven representatives of State Government departments and State instrumentalities. These representatives might well be chosen from the following Departments:—

Public Health Department

Forests Department

Town Planning Department

Department of Fisheries and Fauna

Department of Development and Decentralisation

Department of Mines (co-related activities)

Public Works Department

Metropolitan Water Supply Department (Engineering and Water Supplies Group)

Lands Department

Department of Agriculture (Land Utilisation Group)

However, rather than have the present legislation bind us and restrict our choice of the best men available, the actual representation is not spelt out in the Bill.

Two members who will represent the general public must both have a special knowledge of, or experience in, environmental protection. I will move an amendment in committee which will significantly widen the scope of representation, yet still ensure that these members are not Public Servants. It might be thought that reduction of the number of representatives of the public from three to two might dilute its influence. This is not so because the Bill provides for an extensive amount of public access to decision-making in regard to environmental protection.

It will be noted that the council bears some similarity to the council proposed under the Physical Environment Protection Bill of 1970. However, there are differences in representation and these differences are intended to provide a more

effective representation from the important, and indeed vital, areas of secondary and mining industries.

Accordingly, we have created an authority and a council—both with positive powers and clearly defined roles. But while we provide for the authority to set environmental protection policies, we recognise that, inevitably, there will be occasions when some policies will cause some persons or organisations to feel aggrieved.

Therefore, in order to reduce to a minimum cases of hardship resulting from the implementation of environmental protection policy this Bill provides for the right of appeal—prior to the declaration of policy. This appeal will be to a special board.

Each environmental protection appeal board will consist of three members and membership may vary from subject matter to subject matter. However, at least one of these persons will be a person with legal experience of not less than seven years' duration.

The role of the appeal board on a particular topic is to ensure that before the Government proclaims an environmental protection policy any potentially aggrieved party may duly present his case. The board will act and may inform itself on any matter in any manner it sees fit. The board may—

confirm the proposal,

set aside the proposal, or

vary the proposal.

Subject to matters of law, the determination of the appeal by the board is final and shall be given effect to.

The fourth body to be set up will be the department of environmental protection. This will be a branch of the Public Service and its role will be to assist the environmental protection bodies in their activities. Administration of this department will be carried out by the authority, subject to the Minister. Staff growth of the department is being studied. The authority is to be provided with the power to make use also of specific expertise of people other than members of the department itself.

We have given a great deal of consideration to the powers of the environmental protection authority and to its role in relationship to the roles of the duly-constituted Minister and Cabinet. This is a very difficult problem to resolve and one which is confronting many legislative bodies around the world. The cause of the difficulty is that the environment is affected by anything and everything which we do. Pollution is all-pervasive.

As the definition of the Bill states, "environment" means the physical factors prevailing in the State, including the land, water, and atmosphere. It also includes the social factor of aesthetics and all factors affecting animal and plant life. Indeed, in Committee, I will move an amendment which will make the definition even more extensive.

Consequently environmental protection is of vital concern to the people of the State—yet because the environmental protection authority is the co-ordinating authority in such an all-pervasive matter we must ask, should it be the final body to decide on policies and the implementation of policies? Such a power traditionally belongs to a duly-constituted Cabinet, and Cabinet will retain its constitutional obligations, while the environmental protection authority will become a watchdog in matters of environmental protection.

There are four specific parts of the Bill which demonstrate how the environmental protection authority interacts with the Ministers and with Cabinet so that all fulfil their appropriate obligations.

One part refers to the Minister for Lands; one to the Minister for Mines; one to the several town planning authorities; and one to any Minister.

The Ministers for Mines, Lands, and Town Planning have been singled out whilst other important Ministers are only generally referred to in the Bill because the Departments of Lands, Mines, and Town Planning handle a very large number of transactions from day to day. It is sometimes suggested, for example, that the environmental protection authority review all mining claims. This would be impracticable for there are about 15,000 mining claims per annum—a considerable burden for any department. Intrusion by the environmental protection authority into every such claim would cause both the authority and the Mines Department to grind to a halt. However, the authority could request particulars of either specific mining applications or classes of such applications. The Minister must comply with this request. The authority then recommends to the Minister what action it regards as desirable from the environmental protection point of view. The Minister cannot proceed in the matter until he receives the recommendation of the authority. So in this way the deliberations of the authority can be duly made and considered.

However, the Minister for Mines may well find overwhelming reasons why he should go against a recommendation of the authority. Significantly, he may have reasons of economic development of the State or the like. It is his job to decide upon such matters, utilising the advice of officers of his department.

The environmental protection authority in turn has its job to do. Therefore, it is empowered to make its recommendation public. If the need be there, then Cabinet

can fulfil its collective responsibility and make a final judgment as to what is in the long term, and the short term, the best interests of the State.

Lest members might conclude that the environmental protection authority could be potentially subject to repeated defeats of the type mentioned, I hasten to mention that it is provided that the Minister shall upon the recommendation of the authority appoint a committee to hold a public inquiry. This committee shall have all the powers, rights, and privileges of a Royal Commission. Therefore the environmental protection authority, in a policy matter which it considers of vital concern, can at its discretion call for the matter to be investigated by the equivalent of a Royal Commission. In view of the cost and time factors of such an inquiry the authority would not exercise this power lightly. But it does have the power and the Minister is bound by it.

Provision is also made for the contingency where a project may not be known to the authority. If there is a development of any type which has significance as far as environmental protection is concerned, the relevant Minister shall submit details of this to the authority for its recommendation. This differs from the legislation passed last year under which the Minister could at his discretion refer or not refer such matters to the council.

The authority, while being powerful in matters of environmental protection subject to the Government representing the people, is subject to free public access, public inquiries, and the appeal board; and, of course, has public representation on the council—all indicating that the authority must act with all due responsibility.

For its own part also the authority has the right to make public, at its discretion, such facts—other than, of course, trade secrets and the like—which it deems of value for public record.

The maximum available resources of public and professional knowledge and opinion can be utilised in this dual manner, with the council playing an active and important role.

The right of the public where responsible groups are involved to make considered statements about environmental protection is recognised. Such statements can be made to the authority in different ways. For example, the public representatives on the council can serve as one such avenue.

Another opportunity is provided either before an appeals board or at a public inquiry. The public of course can also turn to their duly recognised legislative representatives, who can avail themselves of the recognised methods of democracy.

Legislation to amend the Mining Act will be introduced by this Government at a later date. That will contain due cognisance of possible State environmental protection policies. Furthermore, currently in many cases mining tenements are granted subject to specific restoration and rehabilitation conditions. The importance of mining to the economic well-being of the State is well known to this Government; but so too is the importance of environmental protection. This Bill covers not only conservation of lands, but also adequate supervision of pollution and waste emissions. The Bill provides for inspection of areas whether licensed or not which are suspected of contaminating the environment to a significant extent. Duly appointed responsible analysts shall determine accurately and reliably the extent of any such pollution. This will protect the public or industry involved and ensure that any judgment by the authority is based upon accurate information.

It is essential to realise in any discussion that environmental protection cannot be achieved overnight. Instead this is a matter for long-range planning and indeed for planning generations in advance.

This must be legislation that recognises both the comforts that technology can provide us and the comforts that nature can provide us. The first can be measured in gross dollar values but the second cannot so easily be measured. But a balance of the two is essential if we are to have desirable qualities of life. The authority can assess this balance and so advise the Government.

One must be realistic about penalties and these have a place in the legislation. In much of existing legislation on matters concerning the environment the penalty for an offence has often been so small, and also applicable only once, that a large industry or wealthy body could virtually ignore it. However, in this Bill there is a significant fine for the first offence; namely, $500. There is also provision for a continuing daily penalty for every day the offence continues after the offender is convicted. This constitutes, I submit, a reasonable and realistic penalty in order to ensure adequate environmental protection.

The legislation now before members recognises the existence of operative Government and other bodies already working actively on environmental protection and does not propose to usurp any such powers of licensing authorities. It may be that in the future the authority may need to have licensing powers. The Government has decided that this is not immediately necessary.

Many groups in the State are involved in environmental protection. The Public Health Department administers the Clean Air Act; the Department of Fisheries and

Fauna administers fauna conservation, and so on. The present legislation recognises the expertise and administrative functions of these groups and does not change them in any way.

It is therefore realistic in acknowledging such power as presently exists in the State. However, the legislation takes into account the fact that the historical piecemeal amendment of this or that particular Act is not enough. What is required is a broad over-view which can ensure that in this critical matter of environmental protection nothing "drops between the cracks" separating the various interests of the various Government departments.

In this matter the role of the authority in recommending changes in legislation is vital. This legislation, therefore, is general in some aspects and particular or specific in others. It is general in that it provides the opportunity for full public information and for the declaration of State environmental policy on various matters, excepting that the legislation will not now, as a result of an amendment moved by Mr. Court in the Legislative Assembly, take precedence over the provisions and safeguards contained in any Act to ratify any agreement to which the State is a party. But it is also specific as to what steps should be otherwise taken so that effective environmental legislation, generally, can be implemented.

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

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

THE HON. I. G. MEDCALF (Metropolitan) [4.37 p.m.]: In rising to support this Bill I am aware of the fact that it is only an amendment to an Act which was first passed by the last Government in 1964. In fact the original Bill was advocated by the Law Society and by responsible members of the community who believed that it was desirable to establish some sort of fund to enable appeals at law to be made in cases which are deserving and which might otherwise not be brought.

It is unfortunately true that appeals at law are often very expensive processes and, therefore, it is necessary to safeguard the rights of genuine persons who have an appeal which they feel should be ventilated and which otherwise might be debarred. The legal profession is thought—rather loosely, I think—to benefit from any legislation which provides funds for appeals or for court cases. It is very common for people to say "Well, this is all grist to the mill; it suits the legal profession." But it is sometimes overlooked that a great deal of time is given by members of the legal profession in an honorary capacity—and this has been given for many years—in respect of deserving appeal cases.

I well recall the Beamish case which involved an appeal and in which counsel was made available from the Law Society; and in which leave to appeal to the Privy Council was even sought. That was all done on the basis of the barest minimum of fees—I think it was something like one-tenth of the fees, and possibly no fees at all in the case of some of the personnel involved.

There are people in this State who have been deprived of their rights of appeal through lack of means; and accordingly this scheme was introduced in 1964 by the previous Government. The general proposition is that on every writ or summons issued a fee of 10c is imposed, and this money goes into the Suitors' Fund to enable people to appeal in specified cases. Those cases were outlined in the 1964 legislation. The Act was amended in 1969 to include certain additional cases; and now it is proposed by the present Government that the range of appeals which will be eligible for assistance through the Suitors' Fund will be enlarged considerably.

The word "suitors" might seem to be a curious term. It is simply an old legal term meaning a person who has a suit at law. This is different from a suitor in the romantic sense, and is different from a person who presses his suit in the domestic sense. In the legal sense it means a person who presses his suit at law. In the name of this fund it is rather strange that we have retained the word "suitors." Perhaps Mr. Willesee, with his zeal for modern language, would be prepared to change this word into some word like "appellants" which is more understandable by the average person. I think there is good cause for doing something in this respect. However, in the legal sense the Suitors' Fund really means an appellants' fund.

One of the provisions in the Bill seeks to increase the limit of fees to $2,000, so that in any one case not more than $2,000 may be expended in legal fees. This was an amendment inserted into the Bill when it was dealt with in another place.

I want to comment on one particular matter which, perhaps, has been overlooked by the Government; that is, the inclusion in clause 9 of a provision whereby any company which is a subsidiary of a company with a paid-up capital of $200,000 or more shall not receive any benefit from this fund. In the original Act there was a provision to the effect that a company with a paid-up capital of £100,000 then, $200,000 now, shall not receive any benefit from the Suitors' Fund.

Nevertheless, such companies are required to contribute to the Suitors' Fund in the event of their taking proceedings in court. So, each time any such company issues a writ or summons it has to pay the fee, although the Act debars it from receiving any benefit from the fund. That seems to me to be a very curious provision, but it was inserted in the original Act in respect of certain companies.

There was scarcely any comment on this provision when the Bill was passed in 1964. I believe the reason it was inserted was that at the time the legislation was considered to be an experiment. It was not known at that time how much would be available or exactly how many cases would come within the ambit of the fund; therefore provision was made to limit the fund to specified cases. In addition, companies with a paid-up capital of £100,000 were excluded altogether, but they were still required to pay the fees which would enable other people to be covered by the fund.

The explanation is that in 1964 this legislation was introduced, more or less, as an experiment, because we did not have such legislation before and this idea was pretty new in Australia. The legislators in 1964 were a little careful when they decided that they could not open this fund up, and therefore they excluded companies with a paid-up capital of £100,000.

The Hon. A. F. Griffith: It would require time to build up the fund.

The Hon. I. G. MEDCALF: That is the explanation, and none would know better than Mr. Griffith who introduced the original measure. On reflection we might consider this to be rather illogical, because if we exclude a company with a paid-up capital of $200,000, why do we not exclude the private individual who has $200,000? In fact, under this provision we are imposing a means test on companies. Admittedly, one could be uncharitable and say that a company does not have a vote. However, that is perhaps a superfluous remark.

It does seem illogical that a company which has a certain paid-up capital should be excluded from the provisions of the Act, whereas a private individual with the same amount of capital is allowed to come within the scope of the Act; but at the same time the company is required to pay the fees, just as the private individual has to pay the fees.

The relevance of my remark is that in the Bill before us it is proposed to extend the principle by providing that a subsidiary of a company which has a paid-up capital of $200,000 on its incorporation is also to be excluded from the Act. That is the effect of the provision in clause 9. What the Bill seeks to do is to extend a principle which was illogical when it was introduced, but which I believe was justified by the circumstances as an experiment. However, I do not believe this principle is justified at the present time.

As we have now opened up the fund considerably, and as we have heard that the fund contains a great deal of money and is growing every year, I believe the time has come for this unnecessary restriction to be lifted. I am really talking about a question of principle, because I do not think it has very much practical significance, nor has it any political significance. I merely think it is illogical that we should seek to add to the present unsatisfactory state of affairs whereby we charge a company a fee, just as we charge anybody else a fee, for the coverage of the Suitors' Fund; but then we deny the company the protection that is provided by this legislation.

One important aspect is that such companies are penalised because they have a paid-up capital of $200,000. I would point out that some of them had a paid-up capital of $200,000 when they were incorporated, but that does not mean they have that amount of paid-up capital at the present time. Some of these companies might have gone into some line of business that did not succeed; and consequently their assets may have diminished.

Such a company may nevertheless be the unfortunate victim of one of the situations which we are seeking to alleviate by this Bill. In those circumstances I believe it is only proper that we extend the benefit, rather than extend the types of companies which are excluded from the benefits provided by the Act. What I am saying is that we should not pass clause 9 of the Bill. I believe this provision to be offensive; although logically it is an extension of what we have already done. But what we did in 1964 was wrong although it was justified by the circumstances then existing. I believe that now we should not proceed with a matter which is wrong in principle. We should, in fact, delete clause 9 in the Committee stage. Perhaps the Government might make an opportunity available to us at some future time when it amends the Act to delete the reference to the original companies.

This one, after all, only deals with subsidiaries but perhaps the parent companies will also be brought back within the scope of the Act, as is the case with everybody else in the community.

The Hon. Clive Griffiths: A company which might have had a paid-up capital could have now gone into debt.

The Hon. I. G. MEDCALF: That is quite so. A company could be very wealthy with a small paid-up capital. On the other hand, a company which originally had $200,000 could have lost that money on

a farming or a mining venture. For that reason I think it is illogical and I do not think this House should perpetuate it.

Generally speaking, I support this Bill with that one reservation. It is a genuine attempt to extend the law—or the assistance which the law can provide—to those who do not have access to it because of a lack of means. It would be simple if the law were codified and it could be got out of a slot machine. Unfortunately we cannot do that. The law is frequently a matter of opinion and there are differences of opinion between magistrates and judges, just as there are differences of opinion between lawyers and litigants and it is sometimes necessary for a person to appeal in an effort to get justice. If a person has a *bona fide* case he should be given some reasonable assistance, as the Bill now before us will provide.

At the present time appeals which are covered by the Act are, firstly, appeals which succeed on questions of law; in other words, where there are differences of opinion between lawyers or judges, and an appeal succeeds on a question of law. At the present time there is provision for the parties to obtain their costs from this fund.

Secondly, an appeal is covered in the case of the death of a magistrate or a judge, or where a magistrate or a judge is incapacitated by illness, or there is a disagreement by a jury. Thirdly, an appeal is covered when the appeal succeeds on a question of law against a conviction, and a new trial is ordered; fourthly, where a hearing is discontinued and a new trial ordered for reasons not attributable to the parties concerned; and fifthly, when a new trial is ordered where damages are excessive or inadequate.

In 1969 the Act was extended to include criminal cases, also orders to review from courts of petty sessions, and any party could apply. A certificate is provided by the presiding judge which entitles a litigant to obtain his costs. It is now proposed in the Bill before us to extend assistance where, on appeal, a conviction for an indictable offence is quashed without a new trial being ordered. An example of this is the Gouldham case about which we heard a lot last year. In my view that would logically come under this first provision.

Assistance will also be granted where there is an appeal on a question of law which succeeds against a defendant such as a police officer or a traffic inspector against whom one cannot at present get costs; where proceedings have been adjourned and expense thereby incurred to the accused through no fault of his; and where the amount of damages has been varied by appeal but a new trial not ordered by the court.

The four cases I have just listed will now come within the ambit of the Act and generally speaking I believe this is beneficial. There may, perhaps, be reservations in some minds about certain of the cases, but we have to take the good with the bad and, by and large, I think this is beneficial.

I draw the attention of the House to the rather curious extension which we have made to companies. I will say more about this during the Committee stage of the Bill when we consider clause 9. I ask the Leader of the House to consider this matter because I know the Premier has expressed views about it on at least one other occasion.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.55 p.m.]: As Mr. Medcalf has said, the parent Act was introduced in 1964 and it is true to say that it was of an experimental nature. It was not known at that time what applications might be made to the fund. In fact, as fees were collected the fund has built up.

This is the second time that a Bill has been introduced to give increased benefits—if that is the applicable expression. I register some reservation and hope that the present Bill will not overload the ability of the fund to stand the strain.

Since the fund was first established an amount of $62,245 has been received. That is, since the 1st January, 1965. The fund has earned $5,211.89 in interest, making a total of $67,456-odd. Approximately $18,550 has been paid out of the fund and it has a credit balance at the moment of very nearly $49,000.

I am not suggesting that the fund will be eaten up, but the restrictions referred to by Mr. Medcalf were put into the legislation to ensure, as far as possible, that the fund would remain in a solvent state, and that the benefits which could be derived by applying to the fund would not, in fact, be used up. The only way to replenish those funds would be a further levy on processes put through the courts.

I do not oppose the Bill but I merely register the thought that I hope the Government is not progressing too fast and that as a result of this Bill the fund will not be depleted at a rate faster than, perhaps, anticipated or hoped for. The restriction in relation to fees was included for the very reason that at the time Parliament wanted to ensure that the demand upon the fund was limited to the capacity of the fund.

I register that warning and I hope the additional benefit which will be provided for litigants will not be such that the fund will be placed in jeopardy. The only result would be that the Government would have to contribute, or the levies which are now applied to litigants would have to be increased. Either of these would not be popular.

Having said that I am satisfied to support the Bill. I do not know what the Minister intends to do about clause 9. Perhaps it would not be a bad idea for the Minister to have another look at the clause with the object of doing something about it next year. Without doubt there is an anomaly but if it is to be removed that should be done when the Government is satisfied the fund can stand the change.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.59 p.m.]: I thank Mr. Medcalf and the Leader of the Opposition for their remarks on the Bill. Both members have raised important points. One point was as to who should come within the scope of the legislation, and the other point was whether we might not be moving ahead too fast which, perhaps, might result in destroying the capacity of the fund to pay and thereby placing the legislation in jeopardy.

I like the suggestion made by Mr. Medcalf. I had never heard of it before. I think the word "appellant is much more apt and when this legislation is being amended in the future I will certainly pass on the suggestion that some thought should be given to changing the title of the Act.

At this stage I would not like clause 9 to be deleted from the Bill. I am more inclined to think we should look at the total situation as outlined by Mr. Medcalf; that is, we should look at the original Act and consider whether we should begin there. If it is convenient to the House, I would like to suggest that we pass the second reading of the Bill and deal with it in Committee as far as clause 9 in order to give me an opportunity to reply from the departmental angle to the points raised by Mr. Medcalf.

The Hon. A. F. Griffith: I suggest we should complete the second reading of the Bill and, if you want to refer the matter back to the department, recommit the Bill on the third reading. We have a great deal of work on the notice paper.

The Hon. W. F. WILLESEE: If I did that, we would not save any time.

The Hon. A. F. Griffith: You might not come back.

The Hon. W. F. WILLESEE: I feel like that at the moment.

The Hon. A. F. Griffith: I am only trying to help you.

The Hon. W. F. WILLESEE: I realise that. I do not think we would lose much time in the Committee stage so I suggest the second reading be passed and the Committee stage be adjourned until the next sitting of the House.

Question put and passed.

Bill read a second time.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. L. A. LOGAN (Upper West) [5.03 p.m.]: Once again we have had submitted to us amendments to the Child Welfare Act which have been presented in a very clear and concise form and in a manner which this House has come to expect from the department concerned. It has not let us down on this occasion. I am sure the Leader of the House is very happy that the department has given such clear, concise, and understandable information to this House.

It is unfortunate that legislation such as this has come before us. However, the department has stated that the legislation is necessary to restore to the Child Welfare Act a provision that will clearly establish the jurisdiction of the court to deal with offences by juveniles in a manner that is in keeping with the spirit of the Act and in accordance with the intentions of previous legislation. In effect, that is what this amendment achieves.

My concern is that after the Act has been in operation for so long, and despite the fact that in 1968 the verbiage was altered somewhat without altering the intent of the Act, somebody has seen fit to find a different interpretation of it. This worries me a little because we operated under this principle until 1968, and we have operated under the same principle from 1968 until now. The courts, the department, and the police have all worked under this principle. As far as we and the department are concerned, nothing has been altered, yet somebody now finds a different interpretation of it.

I might say that a branch of the Crown Law Department drafted the 1968 amendments, and officers of the same branch went to the court three years later to ask for a definition. That does not make sense to me, but that is the situation. This amendment is now necessary because the court gave a different interpretation of the section from that which had been given to it by everybody else up to this time.

On reading what I said in 1968 in regard to the amendments made in that year, it will be realised that there was no intention whatsoever to make any change in the set-up as it then existed. On page 1221 of Volume 2 of *Hansard* for 1968, I said—

> A third reason is that sections 19, 20, 20A, and 20B of the Child Welfare Act, which establish children's courts and give them their specific areas of jurisdiction, can be more simply expressed while the other amendments already referred to are being accomplished. I will describe those amendments in detail at a later stage.

That contains no implication that there was to be any alteration of the principle. On page 1223 I went on to say—

> As already described, section 20 originally outlined the jurisdiction of children's courts, but that outline has been complicated by later amendments and additions. It is now proposed to repeal section 20 and re-enact it to set out more succinctly the functions of children's courts in their jurisdiction over children.

I repeat: Nowhere has it been mentioned that alterations would be made to the principles or to the jurisdiction of the children's court.

The new section 20 which was inserted into the Act by the 1968 amendments reads—

> (1) Subject to the succeeding provisions of this section, a court has exclusive jurisdiction—
>
> (a) to hear and determine a complaint of an offence brought against a child;
>
> (b) to hear and determine all complaints and applications made—
>
> (i) under this Act;

Somebody has stated that when a child who has committed an offence or against whom a complaint has been made becomes an adult, having reached the age of 18, the Children's Court has no jurisdiction to deal with the matter. This Act does not say the Children's Court has no jurisdiction in such a case. It does not say anything of the kind, but someone has interpreted the Act to mean that the Children's Court has no jurisdiction in such a case, although we have worked under the old interpretation for so long.

The amendment now before the House is appropriate. It corrects the interpretation that has now been placed upon section 20 of the Act, and I heartily agree with it; but in dealing with this Bill I raise this issue regarding the placing of an interpretation on Acts which is not in accordance with the intention of Parliament. I repeat that for a considerable time this Parliament has provided that the Children's Court would deal with all complaints against children, even though they had turned 18 before the charges were heard by the court. It amazes me that after all this time somebody has given to the Act an interpretation which is entirely different from that which Parliament intended in the first place. Having said that, I indicate that the Bill has my wholehearted support.

THE HON. I. G. MEDCALF (Metropolitan) [5.09 p.m.]: Like Mr. Logan, I am very puzzled about the necessity for this Bill. I can appreciate the point that has been made; that is, it has been claimed that the wording of the Act refers to charges brought against a child. In other words, the Act says the relevant date is the date the charge is brought or made; after a lapse of years the accused may no longer be a child, and this is the time that determines in which court the person should be tried.

The Bill therefore seeks to substitute the words "alleged to have been committed by" a child, so that the relevant date will be the date the offence was committed as distinct from the date the charge is brought. It appears that the Act as it stands at present has been interpreted in the judgment of one judge to mean that the relevant date is when the charge is brought rather than when the offence is committed.

What puzzles me is the reference in the second reading speech to the fact that doubt has been cast upon the jurisdiction of the Children's Court in certain cases, and consequently a parallel doubt has been cast on the jurisdiction of other courts to deal with the same category of cases. To me, that is extraordinary because if in fact the judge has found there is some doubt about the jurisdiction of one court, it would obviously mean that the jurisdiction is conferred upon another court. It does not seem to me that there is doubt about the jurisdiction of all the courts.

I am puzzled by the reference in the Minister's speech on page 226 of *Hansard* to the effect that because there is doubt about the jurisdiction of the Children's Court there is consequently a parallel doubt about the jurisdiction of other courts to deal with the same cases. The point made in Mr. Justice Burt's judgment was that the relevant date was the date the charge was brought, when the child might then have been 21 or 22, and that is the date which determines the jurisdiction of the court.

If that is what the judge said, it seems to me there is no doubt that the other courts will have jurisdiction, and I cannot see that it means there is a hiatus. I cannot follow that reasoning. I think someone has been extra cautious about this. However, I do not in any way oppose the Bill; I merely draw attention to that point.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.13 p.m.]: I thank both members for their comments on the Bill. I was advised the Bill was a matter of urgency as a result of a court decision. The full court delivered a divided opinion on the 3rd September, 1971, on the interpretation of section 21A of the Child Welfare Act, and this legislation was brought here quickly because there could be other people in the same circumstances as applied in the particular case which was the subject of that judgment. It was necessary to ensure that the original intention of Parliament was made perfectly clear and left no room for doubt.

With regard to Mr. Medcalf's reference to the second reading speech, I doubt whether it has any significance. It is probably a case of over-emphasis more than anything else. I think the original intention is now being established without any doubt.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

QUESTIONS (8): ON NOTICE

1. EDUCATION

Special Art Courses

The Hon. J. DOLAN (for the Hon. R. F. Claughton) to the Leader of the House:

Will special art courses, as are currently available at Applecross High School, be provided at a school north of the river in the 1972 school year?

The Hon. W. F. WILLESEE replied:

No. Tentative arrangements have been made to undertake such a course in a north of the river school in 1973.

2. COURTHOUSE

Carnarvon

The Hon. V. J. FERRY (for the Hon. W. R. Withers) to the Leader of the House:

(1) In view of the reply to a question on the 25th November, 1971, concerning the construction of a court house at Carnarvon, would the Leader of the House agree that this court house is necessary?

(2) If so, would he agree that a resident magistrate is now necessary in Port Hedland which had 73% more court cases than Carnarvon this year?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) The condition of the present Court House in Carnarvon necessitates a new building. The question of a resident magistrate in Port Hedland which is not related to this decision, is being kept under review.

3. EDUCATION

Special Classes

The Hon. S. J. DELLAR, to the Leader of the House:

(1) Are there any special classes at the following schools—
  (a) Carnarvon Central;
  (b) East Carnarvon;
  (c) Exmouth;
  (d) Meekatharra;
  (e) Mt. Magnet; and
  (f) Leonora?

(2) (a) Has a survey been made of these schools as to the necessity of establishing or increasing special classes;
  (b) if not, will a survey be made, and when?

The Hon. W. F. WILLESEE replied:

(1) (a) Yes.
  (b) to (f) No.

(2) (a) and (b) A survey was made by a Guidance Officer in the larger centre of Carnarvon. In smaller centres such as those in areas (c) to (f), above, it is usual for the headmasters to refer any special cases to the Guidance Branch when appropriate action can be determined.

4. COURTHOUSE

Port Hedland

The Hon. V. J. FERRY (for the Hon. W. R. Withers) to the Leader of the House:

In view of the disabilities of the Port Hedland court house and the answer to my question on the 14th September, 1971, concerning priorities on works:

(a) does the Government place the Carnarvon requirements for a court house on a higher priority than Port Hedland when consideration is given to the number of court cases heard in each court house;

(b) will the Government now consider approving the requested improvements to the Port Hedland court house?

The Hon. W. F. WILLESEE replied:

(a) Funds for the erection of the Court House in Carnarvon have been provided by the Carnarvon Shire Council and therefore there is no demand for Loan Funds.

(b) Approval depends on availability of Loan Funds.

5. THIRD PARTY INSURANCE

Farm Machinery

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

In view of the importance to the travelling public that farmers have third party insurance on tractors and trailers, even if they may only cross a public road, what is the cost of registering (under the proposed new charges)—

(a) a new average size tractor (such as a Chamberlain 306);

(b) a fire fighting trailer holding 200 gallons of water (weight 2,400 pounds); and

(c) a trailer capable of carrying eight tons of bagged superphosphate (gross weight 9 tons)?

The Hon. W. F. WILLESEE replied:

(a) Farm tractor used solely in connection with business of farming and grazing (Traffic Act, section 11 subsection (6))

License fee, $4.00; Third Party Insurance, $3.25; Number Plates, $2.00—$9.25.

(b) and (c) Farm trailer not used on roads except in passing from one portion of the property to another (Traffic Act, section 11 subsection (3) (f))

License fee, nil; Third Party Insurance, $1.45; Number Plates, $2.00; Certificate holder (if required), 50c.—$3.95.

6. LAMBS

Importation

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

(1) How many lambs were imported into Western Australia from Eastern States during the last five years, and at what times of the year did this take place?

(2) What is the cost per pound of importing lamb into Western Australia from Eastern States?

The Hon. W. F. WILLESEE replied:

(1) Not available because import statistics do not distinguish lambs from total sheep, or lamb from total meat.

(2) Estimated cost of importing lamb is 3 cents per lb.

7. MEAT

Marketing of Lamb

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

(1) What has been the average number and the average price of lamb exported during the last five years?

(2) What has been the number of lambs consumed in Western Australia per month over the last five years, and the price per head?

The Hon. W. F. WILLESEE replied:

(1) Available Meat Board figures do not indicate the actual number of lambs exported. The average tonnage exported was 2,300 tons per year. The average price per pound on an f.o.b. basis was 17.4 cents.

(2) The actual number of lambs consumed is not known either on a monthly or annual basis. The average tonnage consumed on a yearly basis was 15,960 tons. The average price per pound at Midland was 20.3 cents per lb.

8. EDUCATION

Special Music Courses

The Hon. R. F. CLAUGHTON, to the Leader of the House:

(1) Is it intended to provide special music courses at Churchlands Senior High School in the 1972 school year?

(2) If so, as special music courses are already provided north of the river at Perth Modern School, will the Government give urgent consideration to extending the scheme to a school south of the river?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) Churchlands was selected only after serious attempts to institute the classes in a school south of the river proved unsuccessful.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. V. J. FERRY (South-West) [5.22 p.m.]: This Bill seeks to amend the Coal Mine Workers (Pensions) Act, which Act I notice has been amended on a number of occasions since it was first introduced into this Parliament in 1943.

The Act has been amended on no less than 16 previous occasions and this Bill will make the 17th occasion on which it has been found necessary to amend the Act. I also notice that the principal Act

has been amended some eight times in the last 10 years; this being the ninth occasion on which amendments are to be made in that period.

Accordingly, the legislation is an old friend to this Parliament and I understand the necessity for its frequent amendment is because of the recognition of the need to update pension provisions from time to time. To my mind this is quite reasonable, because I feel that any provisions relating to pensions need to be reviewed as circumstances dictate; not necessarily regularly in a set period of years, but rather in accord with circumstances that might arise from time to time.

Having said this, members will be aware that I approve of the provisions contained in the Bill. The Bill has been fairly described as being introduced for the purpose of allowing for the grant of an inability pension to be made to a mine worker, to remove hardship from the widows of mine workers, and further to relax the existing provision as affecting the payment of pensions to workers reemployed in the industry.

These are the expressions used by the Minister when he introduced the measure. I have taken the trouble to peruse the annual report of the W.A. Coal Mine Workers' Pensions Tribunal for the year 1970-1971, and while I find no particular fault with the report there are one or two features with which I think it would be reasonable to acquaint the House.

From the report in question it is evident that contributions to the pensions fund for the 12 months under review amounted to $329,908.50. Of this amount which came into the fund during the 12 months' period, contributions from the mine workers amounted to $50,263.20, while those from the mine owners amounted to $189,645.30; apart from which the State Government contributed $90,000.

From these figures it would appear that the mine owners contribute about three and three-quarter times the amount contributed by the mine workers themselves, while the State Government contributed about double—although not quite double—the amount contributed by the mine workers.

The Hon. A. F. Griffith: Not forgetting that it is the State Government that pays the ratio of 3¾, because the Government is the only customer.

The Hon. V. J. FERRY: That is true, because the industry is dependent on the Government for the sale of its product. I have no quarrel with that. I am prompted to ask, however, whether in fact the coalmining industry is getting value out of its workers. I do not ask that question in any derogatory sense; it is a leading statement which I use in this particular context.

Under the provisions of the Coal Mine Workers (Pensions) Act it is obligatory for mine workers to retire when they attain the age of 60 years. This provision was obviously introduced at a time when work was perhaps not very plentiful; the intention being to create employment opportunities for younger men, particularly, and for those who have to support families. Because of this it was considered desirable that those who attained the age of 60 years should leave the industry and make way for the younger men to whom I have referred.

I do think it would be prudent to keep the matter under review—and I hope this is always kept under review—to ensure that experienced men, those well versed in the workings of mines and the requirements that might be necessary, are not lost to the industry when perhaps they might wish to continue their employment in some capacity or other.

We all know there are any number of people who on attaining the age of 60 years are still very valuable and skilled no matter what their calling might be, and if their health is reasonable—it need not necessarily be A1—their skills should be retained for the benefit of the industry and, possibly, for the benefit of their fellow workers.

I have regard for the fact that protection must be provided for the work force to ensure, as I mentioned earlier, that those charged with the responsibility of looking after young families are provided with an adequate income and given priority over other more elderly employees.

I do believe, however, that in this day and age industry should retain its skilled workers, because I feel that today more than ever before Australia needs this type of worker. I imagine this problem has been examined many times in mining circles and in industry generally throughout Australia. I merely pose the question, because I feel that today more than at any time Australia needs to get the best out of industry and it seems to me that industry itself—and I now refer to all concerned with industry, whether they be office workers, or other employees, mine management or the Government—should retain the experienced workers who might otherwise be lost because of retirement.

I feel this should be done for the benefit of all concerned. This can be done under the contract system, and I think it is done in other concerns. For example, I believe the Australian Broadcasting Commission employs the technique of re-employing certain key personnel when they reach the retiring age in the normal course of events. I see nothing wrong with this provided it does not disadvantage any other section of the industry concerned or those who might be working in it.

Under the terms of the parent Act the pension fund must be subjected to an actuarial examination every three years. The last examination was carried out as at the 30th June, 1970. The report of that investigation showed that the fund was in a fairly healthy state. However, upon examining the analysis made of the coalmine workers engaged in the industry at the 30th June, 1971, I observe that in the next 10 years some 200 coalmine workers may be expected to retire and one would naturally presume that most of these men —if not all of them—would be entitled to draw on the fund.

At the 30th June, 1971, 540 employees were classed as coalmine workers. Therefore if 200 of these men retire in the next 10 years and another 170 retire in the following 10 years that represents more than half of the existing work force. This leads me to the thought that the fund may be expected to pay out more in the next 10 or 20 years than has hitherto been the case. Therefore one can readily appreciate that it is most necessary to ensure that the fund is viable and has sufficient resources to meet the calls made upon it. In such circumstances the actuarial examination made every three years is quite prudent.

I now wish to refer briefly to the employment of the moneys standing to the credit of the pension fund. My understanding of the provisions in the Act is that the funds can be invested only in certain securities. At present the funds are invested in Commonwealth inscribed stock; some Government authorities and local government authorities, from which arises accrued interest. At the same time, with the high interest rates of today and in view of the fresh thought that is exercised in regard to investing funds these days, there are other safe investments in which the moneys of the pension fund could be invested. Reasons could be advanced to show that this is not necessary, but I put forward the suggestion again that in this modern commercial era perhaps the pension fund could employ some of its surplus moneys in other avenues of investment at advantageous interest rates.

The Hon. L. A. Logan: To what extent does the Commonwealth pension affect the coalmine worker's pension?

The Hon. V. J. FERRY: I have not worked out the figures, but every time the Commonwealth pension is increased—

The Hon. A. F. Griffith: Every time the Commonwealth pension is increased the union asks for a compensating increase in the benefits made under this legislation.

The Hon. W. F. Willesee: That is the case now.

The Hon. A. F. Griffith: In fact, that is helping the Commonwealth.

The Hon. V. J. FERRY: The point I was trying to make is that a person on the Commonwealth pension is able to earn a certain amount of money in addition. The sum that can be earned is usually increased when the pension rises. Under the provisions of the Bill before the House the pension received by coalmine workers will automatically be increased instead of the Government being required to bring an amending Bill before the House from time to time to achieve this objective. As I mentioned earlier, this is the seventeenth amendment to the Act since 1943, so to me this seems to be a sound step forward.

The contribution of $90,000 from the State appears to be quite a generous one to a fund of this sort. I have not had a chance to compare the amounts contributed by Governments in the Eastern States to similar funds, but to me this seems to be a generous contribution on the part of the State. The mine management also contributes quite heavily to the fund. I think I am right in saying that the mining companies in this State do not contribute as heavily to the fund, on a percentage basis, as do the mining companies in the Eastern States. The union may be concerned about this and no doubt the matter would have been raised several times, but the management and the union appear to have arrived at a composite agreement. The unionists themselves, of course, contribute a certain amount of money to the fund, as they should do. With those remarks, I support the measure.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.37 p.m.]: I thank Mr. Ferry for his remarks in favour of the Bill and congratulate him on the work he has done in studying the annual report to which he referred. Mr. Ferry suggested that perhaps some men could be retained in the industry after reaching 60 years of age, but this is a question that would be closely reviewed by the management and the union. My understanding of the position is that coalmining is a hazardous occupation and the workers engaged in the industry on reaching 60 years of age tend to be more worn out than they would be following a normal occupation, because most of their time is spent working underground, often in wet conditions. I have not had any experience of working in the industry myself. I only studied the provisions in the Bill before submitting them to the House. I again thank Mr. Ferry for his support of the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th November.

THE HON. I. G. MEDCALF (Metropolitan) [5.41 p.m.]: This is a small Bill of six clauses which seeks to change the Legal Practitioners Act in four particulars, and these changes have been recommended by the Barristers' Board. I commend them to the House.

The changes sought are adequately set out in the Minister's second reading speech and I draw attention to them because there may be one or two points I can clarify from my own knowledge of these proposals. The first deals with the annual practice fee. At present legal practitioners have to pay $20 each to the board every year for the privilege of practising. This is a statutory amount and the Bill seeks to give the board permission to vary it from time to time so it will not be necessary to bring an amendment before Parliament on each occasion the amount is to be varied.

The second change is contained in the provision which seeks to permit an articled clerk to engage in employment other than that which is necessary to complete his legal articles. The facts are that at the present time the rule that an articled clerk shall be engaged full time in the service of a legal practitioner to complete his articles is being breached and the effect of the amendment will be to allow the Barristers' Board to approve of an articled clerk being engaged in other employment during office hours.

So if the Bill is agreed to it will give the Barristers' Board power to grant its consent to an articled clerk engaging in other employment apart from his articles. The question may well be asked whether we should allow an articled clerk to engage in other employment. After all, are not their articles sufficiently time consuming to require their full attention? The fact is that the time of employment in which they are absent from their employers' offices in most cases is spent attending lectures or tutorials at the University or in some form of employment which is related to their legal studies.

I think we can safely leave it to the board, in any particular case, to decide whether an articled clerk should or should not be granted a certain amount of time off his articles during the working week. The practitioner to whom the clerk is articled must consent to the clerk spending time on other duties. If the legal practitioner does not consent the articled clerk has a right of appeal to the Barristers' Board. So under that provision the board is given power to authorise a clerk to spend time on other work apart from the time spent on his strict legal articles.

The next provision in the Bill seeks to amend subsection (1) of section 38. Its purpose is to waive the notice given to a practitioner that his trust account is to be inquired into. At present if a legal practitioner is suspected of being in default with the trust account or his books it is necessary for him to receive notice from the Barristers' Board before any action can be taken. The notice requires him to appear before the board and show cause why his trust account should not be investigated. We can well imagine what could happen in the meantime. Immediately the practitioner received notice from the board he could make off with the last traces of the trust account.

That, of course, is putting it broadly. In fact, as the Minister has pointed out. very few cases have occured in the history of the legal profession in Western Australia when it was necessary to take any action at all under this section. The record is extremely good, but it is much better to have the medicine ready on the shelf in case it is needed, than not to have it when it is required. One or two cases have occurred in the last year or two, and these have been reported in the Press. In one particular case quite an amount of money was at stake. However, I do not think that anyone suffered in that instance as a result of notice having been given. Nevertheless this could have occurred, and it could occur in the future.

One might think it is rather strange that lawyers as a body, through the Barristers' Board, should ask Parliament to pass a law which takes away from them one of the very elementary rights possessed by people; that is, to have notice given to them of what action may be taken against them. It is rather strange in some ways. On the other hand, anyone in a position of trust must realise he is holding other people's funds for which he must account. It may well be necessary to take some extraordinary measure to ensure that no fraud occurs.

This situation applies not only to legal practitioners, but also to land agents and accountants; indeed, it applies to anyone who operates trust accounts or holds other people's money.

A fourth amendment in the Bill provides that each year an auditor should give a certificate that the trust account and books of a practitioner have been kept in accordance with the rules governing trust accounts, and that he has deposited a sufficient sum of money as required under the Legal Contribution Trust Act. Unless such

a certificate is given under the provisions of this Bill, the practitioner will not, in the future, obtain his annual practice certificate.

It must be appreciated that each year a legal practitioner must reapply for his annual practice certificate for which he pays a fee. Normally he simply applies, and if his record is clear, he receives the certificate automatically. However, after the passage of this Bill, before he receives the certificate he will have to be given, by a properly qualified auditor, a certificate indicating that his trust account and books have been kept in accordance with the rules of trust accounts and that he has deposited the necessary money under the Legal Contribution Trust Act.

I would make one observation; which is, that the requirement of a legal practitioner who obtains a certificate differs from that of a land agent who is required to deposit a certificate from an auditor to the effect that his books are in order. This requires a complete audit of the business, which is an expensive process. I understand the land agents and the auditors feel it is unnecessary and would sooner have a provision like the one in this Bill which is not so expensive but, nevertheless, will be effective to ensure that spot checks and other processes are carried out and that the books are kept in accordance with the rules for keeping trust accounts. With those remarks I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.50 p.m.]: I am indebted to Mr. Medcalf for giving us the advantage of his practical experience. The points he made were of interest to me and to the House, and I thank him for his support of the measure which I commend to members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.52 p.m.]: I propose to support this Bill, but in doing so I would like to make a few brief comments.

The second reading speech introducing the principal Act in this House is to be found in Vol. 2 of the 1970 *Hansard*, commencing at page 1742. That speech describes the reason for the legislation.

When introducing this Bill the Minister said—

> The purpose of the Act was to complement legislation enacted by the Commonwealth to overcome the problems created by the decision in what has become known as the "Worthing Case."

I do not think that was really the situation. The original Act was not introduced to overcome the problem because the problems are many and varied and they still exist. The original legislation was introduced as nothing more nor less than an expedient to assist the Commonwealth with the problems it was facing as a result of the High Court decision in the Worthing case. I mention that because I think it is important. At page 1743 of Vol. 2 of *Hansard*, 1970, I said—

> Whilst the Government accepts the necessity for this legislation, it accepts it only as a temporary expedient. At the meeting of the Standing Committee of Attorneys-General held in Perth on the 15th October the States were unanimous in expressing the view that the only satisfactory long-term solution to the problem was by way of an amendment to the Constitution to vary the legislative power given to the Parliament of the Commonwealth with respect to all places acquired by the Commonwealth for public purposes from an exclusive power to a concurrent power. Such a change would in no way limit the extent of the legislative power of the Commonwealth, but it would enable the general laws of the State to operate in their own right in Commonwealth places, so long as they were not inconsistent with any Commonwealth law.
>
> The Attorney-General for the Commonwealth informed the State Ministers that in his view an amendment to the Constitution was neither necessary nor desirable, but the way has been left open for a committee of Commonwealth and State officers to examine the question further.

While I do not intend the Minister should delay the passage of this Bill, I would like to be told what progress has been made in the last 12 months in connection with the problem which still exists.

At the time the Attorneys-General were not prepared to do any more than pass the principal Act in each State, incorporating a time limit. The whole purpose of that legislation was to keep the Commonwealth up to the mark because the

Commonwealth Attorney-General was reluctant to recognise that an amendment to the Constitution was necessary.

I do not expect the Minister to give me an answer immediately, but I would like him to ascertain why it is necessary now to extend the operation of the principal Act for a further three years. I realise that an amendment to the Federal Constitution undoubtedly does involve a great deal of time; but I also point out that with the extension of this Act for a further three years it is highly likely that the Commonwealth will take no further action.

I would have thought it more desirable to give the present Act a more limited life than three years. However, I am at a disadvantage because the Attorney-General in another place, through the Minister in this House, has not given us any idea of what progress has been made between the States and the Commonwealth. We have been told merely that all States have agreed that the operation of the Act should be extended for a further three years. I would like to be informed of the progress which has been made.

I repeat that I do not believe the principal Act or this Bill in any way overcomes the problems, which are many and varied, and still remain. In the opinion of the legal representatives and the Attorneys-General of all the States they can be overcome ultimately only by an amendment to the Constitution. That is what I hoped would occur when I was in office and I would have liked the Commonwealth to show its willingness to take this step. Maybe it is displaying willingness, but at this stage I am unaware of the position.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.59 p.m.]: What the Leader of the Opposition says concerning the basis of the legislation passed last year is substantially true. I have perused the remarks of the Attorney-General in another place and I cannot see the information requested by the Leader of the Opposition concerning what progress has been made between the Commonwealth and the States.

We know the Standing Committee of Attorneys-General agreed at a meeting in July of this year to the principles of the legislation which is now before us.

When speaking to the measure, the Attorney-General said—

> My first impression of the Bill which gave birth to the principal legislation last year was that it was an ingenious solution to what appeared to be a very difficult problem. However, when I considered all the possibilities—and, as I indicated this evening, I feel the Act is still pregnant with possibilities—I became more convinced that only an amendment of the Commonwealth Constitution could provide a long-term and satisfactory remedy. It will be sought, pursuant to an amendment to the Constitution, that the States and the Commonwealth should exercise concurrent legislation in respect of Commonwealth places within the State, and in the event of any conflict arising between the two laws the Commonwealth law would prevail to the extent of the conflict by virtue of section 109 of the Australian Constitution.

They were his only comments which come anywhere near the question asked by the Leader of the Opposition. I will try to follow up the request and, if possible, personally write to the Leader of the Opposition sometime in the near future in connection with the point he has raised. I thank him for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

DRIED FRUITS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th November.

THE HON. V. J. FERRY (South-West) [6.04 p.m.]: This particular measure is fairly short and to the point. The purpose of the Bill is to increase the contributions from dried fruit growers from nine hundredths of a cent per pound, which is equivalent to $2.016 per ton, to a maximum figure of $4 per ton.

The need for this has come about because of the very light yield in the dried fruit crop during the previous season. As a result of the low yield, I understand some 1,400 tons of dried fruit were produced compared with the normal expectation of 2,000 tons. This resulted in insufficient funds coming to the board. Accordingly, there was a deficit of funds available to the board, and overdraft arrangements had to be entered into to enable the board's activities to continue.

Under the provisions contained in this measure it is expected this situation will be corrected and sufficient funds will be available to the board to carry out its functions henceforth. I notice in the Minister's notes he expressed the view that the increased amount—the maximum rate of $4 per ton—will ensure that a similar financial predicament will not occur in the

future. I certainly hope this proves to be the case, but I expect it would be the first time in history that an increased levy set at this time—December, 1971—would remain sufficient for all time.

However, I like to be optimistic and I go along with the Minister in the hope that it will be sufficient, although I suggest that with the passage of time there could well be a need to increase this contribution in the light of circumstances which may arise. Therefore, I do not believe this is an absolute ceiling; it is more of a hope based on a proposition rather than an actual situation. Nevertheless, I believe it is fair enough for the House to agree to the increase in the levy rate.

The Dried Fruits Board has far-reaching powers. I do not intend to go through them all but, quite obviously, it has far-reaching and wide powers in respect of the marketing of dried fruit products. The board has not made use of all its powers and I hope the need for this will never arise. May I say I understand the board has done and is continuing to do a good job in marketing dried fruit products in this State. When speaking of dried fruits, in this State I would point out these comprise mainly dried vine fruits rather than any other types of dried fruits. I understand there are approximately 350 growers and, as I mentioned previously, production has varied from an all-time low last season of roughly 1,400 tons, to somewhere in the vicinity of 2,000 tons.

Another interesting point is that Western Australia apparently grows high quality currants. We have the reputation of producing probably the best currants in Australia and, in terms of quantity, we produce one-fifth of all currants produced in the Commonwealth.

In discussing agricultural products it is interesting to comment upon the methods of marketing a particular product. We have a good market on the local scene and markets in the Eastern States. Between outlets in this State and the Eastern States it seems we market approximately half of the dried fruit which we produce and the other half, approximately, is exported. Here again, this brings in the problem of export markets as is the case with so many of our primary industries today.

Once again, the entry of Britain into the European Economic Community will undoubtedly affect dried fruit products in Australia, not only in Western Australia. This is another challenge which the board will take up. It has the power under the legislation which we are now seeking to amend by the Bill before us. The board is very conscious of export markets and ever vigilant in locating them. It seems as if the board, with the assistance of the Australian Dried Fruits Control Board, will endeavour to obtain maximum advantage for our growers. I understand the Australian body, which is the Australian Dried Fruits Control Board, is very energetic in endeavouring to obtain the best possible advantages for dried fruits produced in this country and is currently reviewing the present situation within countries which, traditionally, are purchasers of our products. I could mention such places as the United Kingdom, Canada, and New Zealand. It is also examining markets in countries other than the three I have mentioned. As I understand the situation a fairly vigorous sales promotional campaign is being undertaken. For this I give all credit to both the local board and the Australian body.

Sitting suspended from 6.11 to 7.30 p.m.

The Hon. V. J. FERRY: I understand that in Western Australia today there are some 7,000 acres planted to grapevines from which dried fruits are produced. Of course, not only dried fruits are produced from these vines but also the fresh fruit market is partly supplied and the local wine industry. So the grapevines are playing an important though relatively small part in our rural economy today.

I would like to suggest that the fruit industry—and here I refer to the vine fruit industry generally—is worthy of support. It contributes not only to the Western Australian scene but also to the national scene and to our overseas trade by way of exports.

From a perusal of the annual financial statement and audit of accounts of the Dried Fruits Board of Western Australia for the year ended the 31st December, 1970, it seems to me that the board does not have many expenses. However there are inevitable and inescapable expenses to be met. Therefore, it is necessary that sufficient money is raised by way of this rate of levy as outlined in the Bill.

I would like to make a comment about the future of the board. The board appears efficient in all its activities at this stage. However, we must bear in mind that there are problems associated with the rural industry, not only in Australia but also on a world basis. A time may come when the board is in real difficulties and it may be necessary for the Government of the day to assist the board financially. The producers have done very well in supporting the board as they have and in promoting their products from their own resources, and all credit to them. This is a very fine thing and there should be more of it. However, other circumstances may arise and the board may be forced to request financial assistance from the Government of the day. Of course, an application of this sort would be weighed on its merits if and when the occasion arises.

I would like to conclude by lending my support to the measure. I compliment the industry for the manner in which it is tackling its problems and promoting its products. I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [7.35 p.m.]: I thank the honourable member for his remarks in support of this Bill. In another place the Minister in reply made these comments congratulating the speakers who had supported the Bill—

> —it is purely a Bill to accommodate the industry at a difficult time and I hope it will obviate the necessity for a deficit budget in the future.

This is the point Mr. Ferry made when he said that deficit accounting may become necessary in the future. In that case the Government of the day should move in to assist the dried fruit industry. Personally I feel there is no doubt that the assistance will be forthcoming.

This Act has been in existence since 1947; the board has become proficient in its work and has accumulated experience over the years. Nobody in an administrative position would like to contemplate the thought that the board's work would be lost because of a shaky financial situation. I thank the honourable member for his support and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

TRAFFIC ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

THE HON. I. G. MEDCALF (Metropolitan) [7.39 p.m.]: The Bill we have before us proposes to amend the Supreme Court Act. It incorporates one or two amendments proposed by the Attorney-General and the remaining amendments proposed by the Chief Justice of the Supreme Court.

I have perused the Bill and the second reading speech and I believe the amendments are all worth while and that the Bill should be supported.

The principal amendment proposed by the Attorney-General is one which raises the limit of the value of goods which may be retained when a sheriff seizes goods under a judgment. A few items, such as wearing apparel, furniture, and family portraits, are exempt and the value of goods retained has been raised by 50 per cent. This is quite reasonable in view of the continuing inflation in our community.

The Chief Justice's amendments are more technical and deal mainly with procedural matters affecting the Supreme Court. They are all sensible and are designed to facilitate the working of the court and the completion of its business. For example, one amendment proposes to allow commissioners to complete business which may be unfinished at the end of their term of appointment. If the commissioner returns to private practice or the Government service he will be able to complete work which he had commenced. This is very sound.

There are one or two purely technical amendments with which I do not need to deal. One or two others are worthy of note, one being that the court is enabled to sit at any time and in any place in accordance with its own rules. In other words, the court will not be held to an inflexible programme. The Criminal Court may sit in January to hear urgent matters. At the present time the court can only deal with very urgent business. However, certain other criminal matters may now be attended to during January by the vacation judge.

Circuit courts are at present restricted to the four principal towns in the State. This Bill enables them to visit other towns in accordance with rules to be made by the court itself. In this way the Circuit Court can accommodate itself to the amount of business in the various country towns.

District Court judges may be appointed as commissioners of the Supreme Court to hear cases. The Full Court may sit in separate divisions or sections. It is unable to do this at the present time. The Master of the Supreme Court will be allowed to hear matters other than the assessing of damages as he does at the present time. A judge may refer a matter to the Master in circumstances as laid down by the judges in the rules.

There is a change in the interest rate on judgments which will be flexible and not limited to 5 per cent. as it is at present. The Treasurer will be able to vary this rate from time to time as a result of changes in monetary values.

One of the important features of the proposed legislation is that justices of the peace will be given power to have affidavits sworn before them in connection with all Supreme Court matters. Previously affidavits—which are simply sworn statements —had to be sworn before a commissioner for affidavits. These commissioners were specifically appointed and justices of the peace could only take the affidavit in a limited number of cases. Under clause 18 of the Bill before us an important new section will be added to the Act. This is section 176 which has been referred to in connection with other legislation. The proposed new section 176 says that any affidavit may in future be sworn before a justice of the peace or other authorised person as well as before a commissioner for affidavits. With those few remarks I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [7.45 p.m.]: Once again, I am indebted to Mr. Medcalf for his remarks in connection with this Bill. I think the present Attorney-General introduced a private member's Bill early in his career to put into effect amendments similar to those contained in the Bill. I tried to find some evidence of that before I rose, but I was unable to do so in the time available to me.

As Mr. Medcalf was speaking I studied the comments of the Crown Law Department in relation to the amendments, and I found that Mr. Medcalf's comments were almost word for word with the comments of the department. Therefore, there is no purpose in my reading those comments because Mr. Medcalf has already covered them. This Bill was unanimously passed in another place and it has the approval of members of this House. I thank members for their support of the Bill, and I 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. W. F. Willesee (Leader of the House), and passed.

ADMINISTRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 25th November.

THE HON. I. G. MEDCALF (Metropolitan) [7.49 p.m.]: This is a very short Bill which contains but one substantial amendment. Whereas the Supreme Court Act Amendment Bill dealt with a number of matters, including justices of the peace, this measure deals only with justices of the peace. The effect of the Bill is to amend section 138 of the principal Act which says justices of the peace may have affidavits sworn before them where there is no qualified commissioner for affidavits resident within 10 miles.

Obviously that provision is no longer necessary because we have just dealt with an amendment to section 176 of the Supreme Court Act the purpose of which is to allow justices of the peace to take affidavits in the Supreme Court. Documents which are filed under the Administration Act are also filed in the Supreme Court. Therefore, it is no longer necessary for that section to be included in the Administration Act, and I support the amendment.

Before sitting down I would like to observe that we are giving much more work to justices of the peace, in connection with both the last Bill and this one; and there are also other Bills before the House in this connection. We are in fact giving justices of the peace the right and the duty to swear affidavits, which was formerly exclusively the right and the duty of commissioners for affidavits.

I would say this means in practice that if the existing justices of the peace do in fact take all these affidavits they will be overtaxed. It is rather difficult to obtain appointments of justices of the peace. All members would know the difficulties involved in having a person accepted as a justice by the Premier's Department. I think the department is rightly jealous of the duties and of the obligations attaching to the office of justice of the peace, and there are many of them. Of course, one of them will now be to take affidavits.

So we have in fact added an additional duty of a general nature. Whereas previously justices of the peace took affidavits only in exceptional circumstances, we are now giving them the full right and duty under this Bill and others to take affidavits in all cases. I believe the Premier's Department will need to look at the list of justices. It may be necessary for the number to be increased. They already have important duties, and in the main they are responsible and reputable citizens. Now it will be necessary to find a few more responsible and reputable citizens to join their ranks.

They have the obligation, or course, of sitting on the bench particularly in the country districts. I suspect that is one reason that the Premier's Department is so anxious that the office should be limited to people who are above reproach in all respects. I believe that, owing to the new duties which are being given to justices of the peace, it may be necessary for their numbers to be increased. With those comments I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [7.53 p.m.]: One of my impressions of this amendment is that it would place justices of the peace in a position in which they could operate under all the laws of Western Australia as they relate to affidavits. That is not so at the moment, and I think they are limited to operating under two or three other Acts of Parliament. Basically, this Bill will allow a further extension of their duties. In so doing, I can see the probability that some difficulty will be created in country areas because it is not always easy to have a sufficient number of justices within a district. Sometimes there is a large number in one place, and none in another. It is a difficult task to spread justices of the peace in the right proportions throughout the country areas. However, I can assure Mr. Medcalf that this problem is appreciated, and I thank him for his support of the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

THE HON. I. G. MEDCALF (Metropolitan) [7.56 p.m.]: This Bill is along exactly the same lines as the previous measure. It simply repeals a section of the Evidence Act which states that where there is no commissioner for affidavits available, an affidavit may be sworn before a justice of the peace. This is no longer necessary as a result of the new section 176 we have just inserted into the Supreme Court Act.

The question of the appointment of justices does have another aspect apart from the number of justices. Mr. Wordsworth raised a point with me as to what would happen in a country town if an affidavit were sworn before a justice of the peace and then that justice was required to sit in judgment on the matter which had been sworn before him. I would not presume to give him an answer to that query.

I do know that the courts will not allow affidavits to be prepared by a solicitor and sworn before him; nor will they allow affidavits to be prepared by one solicitor and sworn before another solicitor who is an agent of the first. So I can well believe that if an affidavit were sworn before a justice of the peace it might be out of order for that justice of the peace to hear that particular case. However, generally speaking, when a person swears an affidavit all he does is swear that it is true. When appearing before a justice of the peace that person would be required to take the oath, so that he would be saying the same thing anyway, but verbally instead of in writing. However, perhaps the Crown Law Department will look into the problem, and I have no doubt we will hear something about it in due course.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [7.58 p.m.]: Let me make one brief comment: Let us hope that never happens.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 25th November.

THE HON. R. J. L. WILLIAMS (Metropolitan) [8.01 p.m.]: This Bill contains nothing of any great consequence, and nothing to which I could object. It is a tidying up and an administrative measure. It will help the country shires in that it will allow them to have the same staggered dates for licensing, as apply in the metropolitan area. It includes a 15-days' grace period, to allow a license to be carried on.

The third amendment in the bill is a budgetary measure, and I will hold up the House for only a short while in dealing with this aspect. I merely want to ask a question of the Minister. I would like to know how long it will be before Governments stop punishing and milking the motorist. During this session we have seen a Bill which increased third party insurance cover by 150 per cent. In the Bill before us learners' permits are to be increased by 300 per cent.; and the short-term or six-months' license fee is to be increased by 300 per cent.

Irrespective of their political colour, it seems that Governments cannot cease to impose on the motorist. If Governments wish to raise additional revenue the usual result is higher taxes on beer, tobacco, and petrol. Under this measure the Government is raising additional revenue by looking not only inside the car, but outside as well.

It is on the administrative side that I commend the Bill to the House, although the budgetary measures have to be agreed to. I hope that when the political complexion of the Government changes in the not-too-distant future, we can hope for some relief for the poor old motorist!

THE HON. L. A. LOGAN (Upper West) [8.03 p.m.]: I have given this Bill a pretty close examination, but I cannot offer many objections to it. However, we do object to the increase in the fee for the transfer of vehicles, which is to be doubled.

I want to raise a query with the Minister regarding an omission, and this may be covered by the regulations. In section 9 of the Act provision is made to enable local authorities to issue numbers for motor vehicles; and section 10 makes provision for the Commissioner of Police to issue license numbers and number plates. However, under the redrafted provisions appearing in clauses 9 and 10 no such provisions are made. I wonder why they have been omitted. The Bill contains no reference to the issue of license numbers or number plates.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.04 p.m.]: I thank both Mr. Williams and Mr. Logan for their contributions. I will certainly have inquiries made into the two omissions referred to by Mr. Logan. I agree with what Mr. Williams has said about increases in fees, but of course they are not really as bad as they might sound. As percentage increases they appear to be steep, and an increase in a nominal fee from 10c to 50c represents a 400 per cent. increase. The percentage makes it sound very steep, but the actual amount is not very great.

The Hon. G. C. MacKinnon: That is a pretty steep increase for a low-income earner.

The Hon. J. DOLAN: Yes. This is regretted. I would not like to be the Minister who is responsible for these increased fees. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

PRISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

THE HON. R. J. L. WILLIAMS (Metropolitan) [8.08 p.m.]: This is a well-meaning Bill, although I do not see the value of it. I do not see the value of the present-day trend to treat matters euphemistically. If we are to make an effort to give a nice turn of phraseology to a subject that would otherwise be disagreeable, I would agree; but I think that today far too much Americanism is creeping into our language. To call the Comptroller-General of Prisons the Director of the Department of Corrections does nothing for the ego of the holder of that office, because I know the man and he is not egotistical.

I am certain that when the title was changed from the Prisons Department to the Department of Corrections there was not a great celebration held among the prisoners at Fremantle Goal on the particular night that they found they were no longer to be known as prisoners, but as correctees.

If we were to look through some of the lists of occupations I suppose that the funeral directors who were known in Australia as undertakers will eventually be termed "morticians"; and we will revert to Victoriana, and instead of saying that somebody has fainted we will say that she has had a fit of the vapours. So it will go on.

I remember some time back when I was in America and was travelling between Milwaukie and Chicago. I came to a place known as Waukegan. On the bend of a road I had a very good view of a prison, and once past the bend I came to beautiful landscaped gardens with a huge wooden type of sign which said, "Waukegan House of Correction." On seeing that I thought we were back in the 17th Century. Underneath that sign, for the benefit of tourists and others, appeared a written translation of the term. It was "State Prison Department of Wisconsin."

What the Bill seeks to achieve is to make life a little easier for some people by giving them a fresh start in life. I am far from being opposed to any reforms in this field, but I notice from the notes of the Minister's speech that he said—

> In recent years a number of reforms have been inaugurated in the field of corrections in Western Australia such as work release, temporary leave, and the establishment of a remand and assessment unit.

There are one or two questions which I would like to ask of the Minister, but I do not wish him to reply tonight. He could do so privately, as I do not want to hold up the business of the House.

I wonder whether the Minister for Health is happy about the transfer of the forensic division of the Mental Health Services to the Prisons Administration or the Department of Corrections. I am told that the Department of Corrections will possibly control the Parole Board. I realise that this department has a representative on the board, but as I see it the danger is that control of the Parole Board in this direction could well be transferred to the Director of the Department of Corrections.

This is a fine point, and I know the Minister will as usual put me right, or at least obtain the information for me. If control is transferred to the director, the result would be hazardous. Can one imagine being a paroiee and wishing to appear before the Parole Board, knowing that as a correctee one will appear before the Director of the Department of Corrections who decides whether one does or does not appear before the board?

The United States is one country where the name of the Department of Corrections is used. Possibly it is used in other States of Australia; I do not know. It is also used in Canada, because it seems that country does not have a language of its own, whereas we have!

I suppose the Bill will work, but it will cost something to change the crest and the letterheads when the alteration in the title takes effect, and when the Government announces that the holder of the position is to be called the Director of the Department of Corrections and this change awaits His Excellency's pleasure. I suppose the implication is that it is better than referring to the holder of the position as the Comptroller-General of Prisons.

Beyond that I have nothing more to say except to commend the Bill to the House, because no doubt it will be passed. The change in the title to the Department of Corrections was effected by Cabinet decision, and this Bill only seeks to amend the title in the Prisons Act of 1903-1969.

THE HON. N. E. BAXTER (Central) [8.14 p.m.]: One section of this Bill, mentioned by Mr. Williams, reminds me of a quotation from Shakespeare "What's in a name? That which we call a rose by any other name would smell as sweet." I agree with Mr. Williams that the alteration in the title from the Comptroller-General of Prisons to the Director of the Department of Corrections does not do anything for anybody; it does nothing for the prisoners or the public. It is merely a title that appears to some people to be a little more polite than the existing title.

We have criminals and hardened criminals incarcerated in our prisons. Imagine what would happen when a prisoner is released and meets up with one of his old friends, and on being asked, "Where have you been?" he replies, "I have been in the house of corrections." I am sure his mate will ask what sort of a place that is, and no doubt he will reply, "It is a beautiful establishment, if you are sent to the one at Wooroloo. The meals are good, and the grounds offer a great deal of freedom. This house of corrections is a wonderful place." Of course, I am referring to the hardened criminal.

The Hon. R. J. L. Williams: That will come under the Department of Corrections.

The Hon. N. E. BAXTER: I could perhaps use any name, such as the department for softening up. It appears to me that we are endeavouring to be a little too easy going with people who break the law. We are attempting to rehabilitate them in a soft way, but are we doing any good?

We have prison farms and institutions in country areas where the prisoners get so bored they escape for a while to escape the boredom. Surely we could go further in the rehabilitation and provide something to remove the boredom. In my opinion altering the name of the Comptroller-General of Fremantle Prison to Director of the Department of Corrections does nothing to help the rehabilitation of prisoners or to help enforce law and order.

Those who are not hardened criminals and who are in prison for minor offences should be used to greater advantage of the community. The department should examine the position along those lines rather than worrying about altering the title of the comptroller-general. I do not think he will receive any more salary. Possibly as the scale goes up the position of "director" might be more highly placed on the salary scale and he will receive a higher remuneration. I cannot see that this Bill will do much good for anybody.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [8.17 p.m.]: I did not intend to make any contribution to this debate. Although I took the adjournment, Mr. John Williams undertook to study the Bill and present the Liberal Party view on the matter. However, after listening to Mr. Baxter I am afraid I am tempted to make one or two comments.

First of all, I fail to see that the changing of the name of the gentleman in charge of the department will achieve very much, other than perhaps alter his status in the community. I was Minister for Justice in this State for approximately nine years and I think I can tell Mr. Baxter that all people who go to prison are not hardened criminals.

The chief objective of imprisonment, from the very first day that a man enters prison, is rehabilitation. I have had a good deal of experience in examining files and in exercising the Royal prerogative.

I have also had a good deal of experience in seeing what can happen to a man who has previously lived an exemplary life and who, through one single mistake, has to serve a prison sentence. No-one could convince me that type of man is a hardened criminal.

It takes all kinds of people to make a community, and I suppose it is equally true that it takes all sorts of prisoners to make a prison. Undoubtedly some people could be classed as hardened criminals, as stated by Mr. Baxter, but others do not deserve that title.

I am interested to know whether the Government intends that the Parole Board shall come under the control of the new department.

The Hon. J. Dolan: That is not the case.

The Hon. A. F. GRIFFITH: I am very pleased to hear that because once again I have had a good deal of experience with the Parole Board. Over the years I have heard the board complimented by members in this House and it has done a good job. However, the Comptroller-General of Prisons has also done a good job in the community and has helped to rehabilitate a considerable number of people.

I have been concerned that some of our prisons are not able to contain some of the inmates, who have a habit of walking out. I think the police hunted for one escapee for a period of six months.

The Hon. J. Dolan: They still caught him.

The Hon. A. F. GRIFFITH: Yes, but it must have been a very expensive hunt.

The Hon. J. Dolan: Five escapees were caught last week after only one day of freedom.

The Hon. A. F. GRIFFITH: Those prisoners walked out of Wooroloo.

The Hon. J. Dolan: So did the other man referred to.

The Hon. A. F. GRIFFITH: I do not think that is a difficult matter. Most of the prisoners at Wooroloo are trusted people. I am compelled to say that I have a lot of compassion for people who get into trouble, depending on the type of crime committed and the degree of trouble. However, I cannot accept that everybody in prison is a hardened criminal. The position is far from that.

THE HON. G. C. MacKINNON (Lower West) [8.22 p.m.]: I rise because it might be considered remiss of me if I did not in view of the fact that there are two prisons in the Lower West Province. The Karnet centre established a record in Australia and was the first prison of its type. Of course, we also have the Bunbury Rehabilitation Centre.

I am also worried about the point raised by Mr. Williams. The Bill is purely and simply what one would call a euphemistic Bill; nothing more nor less. However, if I were the Comptroller-General of Prisons I would prefer to be called the Director of the Department of Corrections. It certainly sounds better.

I wonder whether, perhaps, there is not another motive. The Bill gives the impression of doing something when, in fact, nothing is being achieved. The Bunbury Rehabilitation Centre is so named because it is designed to rehabilitate people who have transgressed the law. As Mr. Griffith has already mentioned, some of the inmates of that prison could be there through sheer bad luck. I have not carried out a very detailed inspection of the rehabilitation centre but I got the impression when I did go there that there was a shortage of equipment for the rehabilitation of prisoners. I wonder whether the effort which has gone into producing the Bill which is now before us could have been better spent in obtaining another piece of equipment. The present Bill will accomplish nothing in the field of rehabilitation.

If more attention were given to the provision of equipment — so that the prisoners did not become so bored, and so that they learnt a little more—than to the changing of a name then such effort would have been more productive. There are a number of ways in which the application of some study and thought would have been far more productive than the introduction of this Bill. As I have previously said, it is just a euphemism, after all is said and done.

A person in the rehabilitation centre reaches the stage of being released for a day, and perhaps for a few days. I happen to know such a person. When it is time for him to be released he might be partly trained in a trade. Perhaps he is about 30 per cent. trained, but the moment he is released he has to be employed on a 100 per cent. basis. The aim ought to be towards devising a method whereby that person can be assisted by the State in the payment of a certain portion of his wages.

Such a person would then continue to be trained. The same system operated under the Commonwealth training scheme for the fellows who came back from the war. It seems to me we go in for too much euphemism and, perhaps, not enough effort is put into obtaining practical results.

The matter has been discussed in this Chamber often enough and I have no intention of going over the fundamental basis again tonight. However, a lot of work can be done in that sphere to keep the prisoners engaged. The Bunbury Rehabilitation Centre seems to me to be short of equipment. The centre has the right approach, and it has the space, but there is

no indication of sufficient equipment. It would not cost a great deal to supply more equipment to that centre.

The Bill now before us concerns the Director of the Department of Corrections and seems to be considered as a great leap forward whereas, in fact, it is a leap to nowhere. It is purely and simply a change of name and it is not necessarily one thing or another.

A number of Bills of this nature come forward, from time to time, which affect people who have transgressed against the rules of society in one way or another. I wonder whether we are not forgetting the law-abiding, conforming, taxpaying citizen. If we did not have the conforming citizen we would have to go back to the dark ages and chain transgressors of the law because there would be no other way to keep them confined. However, the person who really deserves some attention is the conforming citizen; the fellow who pays his taxes.

As members will be aware there has been some concern in the Bunbury area over the number of prisoners who have been escaping. The reason for their escaping might be boredom, or it might be a sense of adventure. The Bill we are now discussing will do nothing towards keeping those fellows actively engaged. The expenditure of a little more money on facilities at the Bunbury Rehabilitation Centre might be a little more helpful. Nevertheless, I have every intention of supporting the Bill.

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [8.28 p.m.]: I wish to thank Mr. Williams, Mr. Baxter, Mr. Griffith, and Mr. MacKinnon for their contributions to the debate. They all offered some criticism of the change of name but I can assure them this is the trend all over Australia. We are the only State which has retained the old title.

The idea behind the change of title is to get away from the stigma of the word "prisons". It is felt this will have some beneficial effect on rehabilitation.

The Hon. G. C. MacKinnon: Does the Minister really believe that?

The Hon. R. H. C. STUBBS: Mr. MacKinnon spoke about rehabilitation, and boredom amongst prisoners. I would point out that we inherited the present system from the previous Government.

The Hon. G. C. MacKinnon: We started the rehabilitation system.

The Hon. R. H. C. STUBBS: I would point out that at the Bunbury Rehabilitation Centre the prisoners are taught carpentry, motor mechanics, and several other trades. Anyone who enters the prison and who cannot read or write attends night school. So it can be seen that some form of rehabilitation is carried on at Bunbury. Also, we are trying to purchase additional machinery and equipment and I hope it will be available this year.

The Hon. G. C. MacKinnon: Have you got the money for it?

The Hon. R. H. C. STUBBS: I said I hope it will be forthcoming in this financial year.

The Hon. G. C. MacKinnon: The money or the machinery?

The Hon. R. H. C. STUBBS: Both. I am now trying to obtain it. I think I have been reasonably successful because we have two new gaols on the stocks. We have mainly inherited old buildings. The only new gaols we have are those at Bunbury and Albany. We have hospitals at Wooroloo and Geraldton which are rather old. Naturally, the prisoners escape. We do not have guards armed with guns at the latter establishments. The prisoners are let out and we have to trust them.

The Hon. G. C. MacKinnon: That being so, do you think you should send a convicted rapist to a place like Bunbury?

The Hon. R. H. C. STUBBS: There is no room anywhere else. On any one day there are 1,500 prisoners in Western Australia. I think our record is very good. Six thousand prisoners a year go through our gaols and our rehabilitation programme is such that of those who are sent to gaol for the first time only 25 per cent. ever return. I think we have done a good job in that regard.

The Hon. G. C. MacKinnon: You have not done that job. You have not been there long enough.

The Hon. R. H. C. STUBBS: I am speaking about the department. If the honourable member has patience, he will see some wonderful improvements in the years to come.

The Hon. G. C. MacKinnon: You did not do anything when you were previously in Government.

The Hon. R. H. C. STUBBS: In our rehabilitation programme we have a work release system. When prisoners go before the classification board and are recommended for release, jobs are found for them during the last three or four months before they leave. They go to work daily and report back at night. We take so much of their earnings for their board; they are given some money for themselves and, if they are married men, the rest is sent to their wives. In this way the prisoner recovers his dignity and is given a chance to rehabilitate himself. When he is due to return to normal life, he already has a job. One prisoner did not report back.

The Hon. G. C. MacKinnon: I remember when Mr. Craig brought that proposal forward. I was at the Cabinet meeting that day.

The Hon. R. H. C. STUBBS: It is not my doing. We inherited that system, but I am trying to do much more. We are

endeavouring to secure a building in Fremantle in which to house another 40 prisoners. Unfortunately, we have not sufficient housing accommodation to keep prisoners on work release.

The Hon. G. C. MacKinnon: I suppose the downturn in the economy would make it a little more difficult.

The Hon. R. H. C. STUBBS: Yes, but we are trying. We are also trying to secure a property in the hills for those who are interested in farming. In our rehabilitation programme in Geraldton we have a fishing boat for those who are interested in the fishing industry so that they can learn seamanship. Those people are in demand. The crayfishermen who want deckhands are always ringing up the gaol asking for people to go out on their boats. So the rehabilitation programme is achieving something in Geraldton.

One speaker referred to the prisoners being idle. We try not to have them idle. In Geraldton they do all sorts of jobs for the town and they are accepted there. They work at Nazareth House and do jobs for old pensioners.

The Hon. G. C. MacKinnon: They do a good job in renovating push-bikes for the children at Christmas time.

The Hon. R. H. C. STUBBS: Yes. The natives in the prison at Geraldton seem to have a wonderful gift for painting. Each year their paintings, which are of very good quality, are sold and the proceeds go to charity. There is therefore some improvement in rehabilitation and I hope there will be much more improvement, but it comes back to the old story —money, money money. I hope we will improve as we go along. I thank members for their contributions and their assistance.

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 (Chief Secretary), and transmitted to the Assembly.

ALUMINA REFINERY (UPPER SWAN) AGREEMENT BILL

Assembly's Message

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

THE HON. L. A. LOGAN (Upper West) [8.39 p.m.]: This Bill merely doubles the penalties laid down in six different sections of the Motor Vehicle (Third Party Insurance) Act.

For failure to license a vehicle the penalty has been increased from $200 to $400 for a first offence. I think it is fair enough that failure to take out a compulsory license and third party insurance cover should bear a heavy fine because the owner of an unlicensed vehicle is not paying anything towards the cost of premiums or the costs and compensation which may be awarded in the event of death or injury arising from an accident. There is a responsibility to ensure that the vehicle is licensed, so I have no complaint about that increase.

I do not know that we can complain about the other increases because the fines are imposed only when a person fails to do something he should. The only increase I have any doubt about is the one dealing with the production of evidence that a vehicle is licensed. If a police officer asks a person to produce evidence that his vehicle is licensed, that person is given only five days in which to submit the evidence to a police station or a local authority. For failure to do so the fine at the present time is up to $100, and this Bill seeks to increase that sum to $200.

It seems that all the fines have been doubled without regard to the reasons for the imposition of the penalties. Although a magistrate can impose a fine of less than $200, that sum seems to be a fairly steep fine for this offence because in certain circumstances it may be impossible for a person to produce the evidence within five days. If magistrates take cognisance of what is happening in Parliament, they will assume, from the fact that the penalty has risen from $100 to $200, that they should impose increased fines on people who are guilty in this respect.

I think the Minister should have a look at this increase and consider whether we are going too far in this case. Apart from that, I have no objections to the Bill.

THE HON. G. C. MacKINNON (Lower West) [8.42 p.m.]: I think we can all understand that the Minister for Local Government must be feeling a little jealous when his colleagues are bringing down Bills and passing them through the House while he has been a little light on. However, I think perhaps this is going a little too far. In a session like this, which has been so grossly interrupted, we have very serious measures to consider, and time is

running on, but we are presented with two Bills, one of which simply deals with a change of name which does not make any difference and which could have waited for six months or six years without getting anyone in much of a sweat, and it would not matter whether or not the other one were passed now because it would not affect the legality of the Motor Vehicle (Third Party Insurance) Act. The fact that the penalties have been increased 100 per cent. might mean a little more money coming into consolidated revenue but it does not mean fewer or more people will be fined or that people will behave one way or the other.

Lest the Minister accuse me of wasting time, I will not say any more. But I believe at a time when we are so hard pressed both the previous Bill and this one could quite easily have been left because, to my mind, they accomplish virtually nothing.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [8.45 p.m.]: I thank those members who have spoken and given their support to this Bill; even though some of the support given was rather left-handed.

The Hon. G. C. MacKinnon: I will still vote for it, because it will save time.

The Hon. R. H. C. STUBBS: The penalties have certainly been doubled, and the first request in this direction came from the Local Government Association which wrote in to the Motor Vehicle Insurance Trust suggesting certain things among which was the suggestion that penalties be increased.

The matter was examined by my officers and the penalties were compared with the present-day earnings of people generally. It is quite some time since the penalties have been increased. I admit that these have now been doubled, but we must not lose sight of the fact that in that period wages have more than doubled; they have risen 200 per cent. since the matter was last brought to Parliament.

In effect therefore the Bill merely seeks to provide that the penalties should be in keeping with present-day money values. I will examine the point made by Mr. Logan and let him have an answer in due course.

The other suggestion made was to bring the provisions of this legislation into line with the Workers' Compensation Act. This has been on the stocks for some time; it has been awaiting the amendment of the legislation in question.

I again thank members for their support of the Bill and I would point out that I have taken only three minutes to reply!

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 transmitted to the Assembly.

ABATTOIRS ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.50 p.m.]: I move—

> That the Bill be now read a second time.

The Midland Junction Abattoir Board constituted under the Abattoirs Act, is composed of three members appointed by the Governor.

One of these is required to be a chartered accountant and to have regard for the interests of consumers; one is to have regard for the interests of butchers and the third represents the interests of producers of meat.

Each member is appointed for a term of five years and is eligible for reappointment. This Bill provides for an additional member to be appointed to the board and to represent the interests of workers engaged in the industry.

It is unfortunate that the existing line of approach between the workers and the board has not always produced the degree of liaison which is desirable; at least so I am advised.

It is submitted that it would be in the best interests of the management of the Midland Junction abattoir to have amongst its members one with access to the practical knowledge and experience of the workers engaged in the industry.

I am advised that relationships in past years between the board and the union have, to say the least, been far from good. The appointment of a representative of the work force is designed to rectify the position—and on a permanent basis.

I am pleased to inform the House that at present the industrial harmony of the abattoirs is quite satisfactory. The management has established a routine of monthly meetings with union representatives and that has contributed greatly to communications between the two segments of the industry. Both the management and the union have adopted a code of behaviour for industrial settlements—a far-reaching and progressive procedural code to be adopted in matters of dispute.

The Minister for Agriculture informs me that the *bona fides* of both parties to establish harmony have been demonstrated in past months.

Quite naturally the board, which is a policy-making body for the operation of the works, is regarded by the workers as something quite remote. Representation of workers on the board would accordingly have the natural effect of developing an affinity between the works and the union—one which has not existed previously. It might be expected that as a result confidence and trust might more readily develop mutually, with an obvious prospect of greater industrial harmony.

I am informed that over the past ten years there has only been one occasion on which the union has met and conferred with the board. That meeting took place in 1969, on the occasion of a crisis situation at the works. It is felt that the absence of conciliation is regrettable when in fact industrial relations generally are influenced by the nature of the work and the method of operation.

Prior to the introduction of "on rail" dressing of mutton and beef carcases a solo slaughterman performed his job, having to satisfy only a local health authority; whereas currently there are the more stringent Department of Primary Industry export regulations to be adhered to.

With the change which was carried out over a comparatively short period of time, the slaughterman had to adjust to working as one of a team on a mechanical contraption. One needs little imagination to appreciate that the larger the team the greater the chance of imbalance.

The department introduces from time to time further regulations and the balanced teams are consequently upset and have to readjust. The expertise gained by practical experience can be of value in planning and development of operations employed in such changes.

It is quite evident that worker participation in management can achieve a great deal at broad level. Worker participation in management is a trend which is developing in other countries throughout the world.

Moving closer to home; it is worthy of mention that apart from Western Australia, Tasmania is the only State which does not include union or worker representation on the policy-making bodies of Government-owned abattoirs. Both the Homebush and Gepps Cross abattoirs include worker representation on their policy-making bodies; industrial relations at the Midland Junction abattoir are affected considerably and influenced by the nature of the work and the method of operation; and the proposal in this measure is designed to give the board an area of practical experience and knowledge which is most desirable and indeed necessary.

The Minister informs me that the present management at Midland is doing an excellent job. The recent expansion with its attendant problems has placed a heavy burden of pressure on the administration and staff. The industry is fortunate to have men of the present calibre at this time and employee representation on the board will reinforce the situation.

Whilst the Bill does not specify that the proposed additional member should be a member of any particular union, or indeed of any union, it is intended that this matter will be dealt with administratively.

I might mention before concluding that in December, 1962, an effort was made by the present Premier to have union representation on the Midland Junction Abattoir Board. At the time the issue became complicated because of the controlling Statutes and the proposal was never taken to its logical conclusion.

There is no valid reason, however, why such an amendment to give representation of the type desired cannot be instituted.

Debate adjourned, on motion by The Hon. C. R. Abbey.

RESERVES BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [8.57 p.m.]: I move—

That the Bill be now read a second time.

It is customary to introduce this Bill towards the close of the session in order that its clauses may encompass the full list of alterations made to reserves during the year.

In seeking Parliamentary approval for these alterations I propose giving a brief description of each alteration. Members can then examine the full details in the Bill itself.

Clause 2 refers to an excision from Reserve 22771 at Narrogin—a Municipal Endowment by Crown Grant In Trust. Adjoining land is held in fee simple by the Narrogin Club Inc. The Town of Narrogin is agreeable to the disposal of portion of the reserve to the club to accommodate proposed club building extensions for an agreed sum of $500 to be credited to the Town's "Land Acquisition Reserve Account". Parliamentary approval is sought for this deal.

Clause 3 deals with the cancellation of Class "A" Reserve 18093 at Bassendean—a memorial park under the control of the Shire. The reserve surrounds on three sides Class "C" Reserve 15514—Road Board Office and Public Hall. The shire desires to add a library to its existing civic buildings on that reserve and seeks the combination of both reserves for the purpose of war memorial and civic buildings.

Clause 4 refers to Class "A" Reserve 18325 at Mt. Lawley. This is set aside for recreation and is vested in the City of Stirling. By agreement with the city a water board's compensating drainage basin impinges on the reserve and it is proposed that the piece of land affected be excised in favour of the water board.

Clause 5 seeks the cancellation of Reserve 13845 at Moora—race course and recreation purposes—which is held in trust by Herbert John Lee-Steere, Joshua Arthur Waldeck and James Samuel Denton for the Moora Race Club. All the trustees are deceased and to enable a transfer to be registered a request was made for control to be passed to the Shire of Moora. Subsequently, as agreement could not be reached between the club and the shire in respect of the control of the buildings erected by the race club, the vesting of the reserve in the club was requested. Parliamentary approval is accordingly sought for the cancellation of the reserve, with the land being revested in Her Majesty and removed from the operation of the Transfer of Land Act, 1893. The purpose here is to set the land apart as a new reserve for the purpose of race course and recreation—to be vested in the Race Club.

Clause 6 deals with the excision from Class "A" Reserve 26838 at Esperance—Parklands. A site has been selected on this reserve, jointly by the Shire of Esperance and the Esperance Bay Historical Society, for the establishment of a museum. Plans include the placing of the old courthouse on the site for a museum; parklands with old vehicles and farm equipment similar to the Old Mill treatment at South Perth, and a patrons' parking area. The part to be excised would be vested with parliamentary approval in the Shire of Esperance with the balance being dedicated as a public road to provide access.

Clause 7 seeks an excision from Class "A" Reserve 20838 at Nedlands—Recreation —and the land vested in the City of Nedlands. The city desires to build a kindergarten and child health centre on part of the reserve. The site is acceptable to the Kindergarten Association and also to the Metropolitan Region Planning Authority. A committee has been formed to administer the proposed centre and the city accordingly desires the vesting order to contain power to lease.

Clause 8 involves cancellation of Class "A" Reserve 29714 near Jerdacuttup—set apart for purposes of "Stopping Place." The reserve is not vested and is surrounded by freehold land held by a single owner who seeks its acquisition. An exchange of so much of portion of location 995 as is considered by the Land Purchase Board to be of equal value has been offered. Land on the northern alignment of location 995 comprises two "A"-class reserves set apart for "Stopping Place" and "Park Land". The proposed exchange would enable the two reserves to be linked together and parliamentary approval is sought for this highly desirable proposal. Parliamentary approval is accordingly sought for the cancellation of Reserve 29714 to enable the proposal to proceed. I now table the plans relating to the reserves dealt with in the Bill so that they are available for perusal by members if they so desire.

The plans were tabled.

Debate adjourned, on motion by The Hon. G. W. Berry.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.03 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 9.04 p.m.

Legislative Assembly

Wednesday, the 1st December, 1971

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

BILLS (13): ASSENT

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

1. Administration Act Amendment Bill.
2. Property Law Act Amendment Bill.
3. Wills Act Amendment Bill.
4. Government Railways Act Amendment Bill.
5. Parliamentary Superannuation Act Amendment Bill.
6. Censorship of Films Act Amendment Bill.
7. Adoption of Children Act Amendment Bill.
8. Property Law Act Amendment Bill (No. 2).
9. Natives (Citizenship Rights) Act Repeal Bill.
10. Fire Brigades Act Amendment Bill.
11. Abattoirs Act Amendment Bill.
12. Stamp Act Amendment Bill (No. 2).
13. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.