

might be repeated, but with an ombudsman in existence there was a deterrent, and it was less likely that in future there would be cases where no redress was possible.

Mr. Brand: In the event of his not giving satisfaction, as would be inevitable at some time or the other, would he be the subject of attack in Parliament?

Mr. TONKIN: Of course not. If it were not possible to do anything to obtain redress because it was too late, what on earth could be done by anybody? It would just not be practicable to do anything. But I assume the Ombudsman would have reported to Parliament in cases where he felt redress should have been obtained, but where some departments refused to grant it.

Nothing is to be gained by continuing to argue something which apparently is a foregone conclusion. I cannot do otherwise than express my very great regret that the Government has regarded this as a party issue and cracked the whip. But I make this forecast with the greatest possible confidence: that the day will come when there will not only be an ombudsman in the other States of Australia, but there will be one in Western Australia. As sure as night follows day there will be one, and these arguments upon which the Minister has relied this evening will be like chaff in the wind, when the people come to appreciate the benefits which are being derived in various parts of the world.

It is a strange thing indeed that if there is nothing in this submission; if an ombudsman would be an encumbrance, and was likely to be a tyrant there is a strong move in the United States of America for the appointment of such an officer.

So we find one after another of the democracies deciding that this officer is well worth while, and agreeing to his appointment. Whilst we have to accept the decision for the time being, this might easily be another case like Saturday closing for banks, where the Liberal Government opposed it every time it was introduced by a Labor member; when it used all the arguments in the world against it, and finally ended up by doing it itself. It is possible that history will repeat itself with regard to this.

Mr. Brand: Who knows?

Mr. Court: I hope you do not suffer the same fate as the advocate for that.

Mr. TONKIN: I commend the motion to the House.

Question put and a division called for.

Bells rung and the House divided.

Remarks During Division

The SPEAKER (Mr. Hearman): The vote of the member for Cockburn is to be recorded with the Ayes.

Result of Division

Division resulted as follows:—

Ayes—18	
Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Norton
Noes—24	
Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Court	Mr. Marshall
Mr. Craig	Mr. Mitchell
Mr. Crommellin	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Elliott	Mr. O'Neill
Mr. Gayfer	Mr. Rubcman
Mr. Grayden	Mr. Rushton
Mr. Guthrie	Mr. Williams
Dr. Henn	Mr. I. W. Manning
Pairs	
Ayes	Noes
Mr. May	Mr. Nalder
Mr. Graham	Mr. Durack
Mr. Sewell	Mr. Hart

Majority against—6.

Question thus negatived.

Motion defeated.

House adjourned at 10.32 p.m.

Legislative Council

Thursday, the 26th August, 1965

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

QUESTION WITHOUT NOTICE

HEALTH ACT REGULATION 23:
AMENDMENT

Reason, and Type of Drain Involved

The Hon. J. M. THOMSON asked the Minister for Health:

With reference to regulation 23 of the Health Act, 1911-1964, amended to read as follows:—No drain to be closer than 12 feet from any dwelling, nor closer than 20 feet from any window or door of any dwelling—

- (1) Could he inquire as to what type of drain this refers to?
- (2) Why was it considered necessary to make this amendment?
- (3) What were the circumstances and conditions necessitating this amendment?

The Hon. G. C. MacKINNON replied:

The honourable member was good enough to give me prior notice of his question. The answer is—

- (1) The amendment refers to leach drains.
- (2) To prevent undermining of foundations, seepage of wastes under dwellings, and to ensure a clear all-round soakage area. This might not

be quite so necessary in the sandy coastal areas, but it is overall.

- (3) A similar condition has applied to French drains for a number of years. Both French drains and leach drains are designed to cope with difficult disposal problems caused by impermeable soil or high water tables. They are installed close to the surface of the ground.

QUESTIONS (6): ON NOTICE

TRAFFIC ACCIDENTS

Canning Highway, Preston Point Road, and Silas Street Junction: Number

1. The Hon. J. DOLAN asked the Minister for Mines:

For the years 1962, 1963, 1964, and 1965 to the 31st July, how many accidents involving—

- (a) pedestrians; and
- (b) motor vehicles;

have occurred at the junction of Canning Highway with Preston Point Road and Silas Street, East Fremantle?

The Hon. A. F. GRIFFITH replied:

		(a) Pedestrians Casualty	(b) Non- casualty	(b) Motor Vehicles
1962	<i>Nil</i>	3		14
1963	2	1		14
1964	<i>Nil</i>	1		19
1965 to 31st July	<i>Nil</i>	<i>Nil</i>		8

WORKERS' COMPENSATION

Pneumoconiosis Claims: Retrospectivity, and Increased Payments

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

- (1) How many applications have been made for retrospective compensation for pneumoconiosis from ex-miners since the introduction of the legislation and the provision of the medical board?
- (2) How many have been successful in proving the existence of pneumoconiosis?
- (3) What is the estimated additional increase in workers' compensation payments?

The Hon. A. F. GRIFFITH replied:

- (1) Since the 14th December, 1964, when Act No. 96 of 1964 became effective there have been 216 applications received by the State Government Insurance Office from persons claiming that they are disabled by the industrial disease of pneumoconiosis. No information is available to show how many of these would not

have been entitled to be approved for payment but for the passing of Act No. 96 of 1964.

- (2) Of the above claims, 103 have been approved for payment, 46 have been declined, and 67 are awaiting decision.
- (3) These claims are expected to cost the State Government Insurance Office at least £110,000, but this is only an estimate.

ELECTRICITY SUPPLIES AT BOULDER

Charges

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:
 - (1) In the area served by the Boulder Town Council, what is the price per unit for electric power of—
 - (a) alternating current; and
 - (b) direct current?
 - (2) If there is a difference, why does it exist?

Changeover to A.C. Supply: Financial Assistance

- (3) Is there any assistance available to pensioners and people in impecunious circumstances from—
 - (a) the town council; or
 - (b) the Government;
 to finance the changeover of electric apparatus from D.C. to A.C.?
- (4) If so, what is the assistance available?

The Hon. A. F. GRIFFITH replied:

- (1) to (3) (a) No knowledge. I am informed these are matters under the sole control of the Boulder Town Council.
- (3) (b) and (4) The Government has arranged to pay a subsidy of two-thirds of the cost of the consumers' equipment that has to be changed from D.C. to A.C.

MILK

Price Increases: Metropolitan and Merredin Areas

4. The Hon. R. H. C. STUBBS asked the Minister for Mines:
 - (1) What was the increase in the price of milk allowed to be charged by vendors in—
 - (a) metropolitan; and
 - (b) Merredin areas;
 for bulk, pint bottles, and Tetra-pak milk?
 - (2) If the margin per gallon, pint, or Tetra-pak is greater in the Merredin area than that allowed in the metropolitan area, how is it justified, and on what basis is it arrived at?

Transport Cost Variations

- (3) Is there any difference in the previous cost of transport by rail, and the present cost of transport by road?

The Hon. A. F. GRIFFITH replied:

- (1) (a) Metropolitan:

	Per Gallon
	s. d.
Bulk	1 0
Pint Bottles	1 0
Tetra-pak	1 0

- (b) Merredin:

Bulk	1 0
Pint Bottles	1 4
Tetra-pak	1 4

- (2) The increase per gallon on one pint bottles and Tetra-paks is greater by 4d. per gallon at Merredin.

Of the 4d. per gallon 1½d. has been added to the vendor's margin and 2½d. to the transport margin to cover increases in costs of operation.

- (3) Yes. An increase of—

	Per Gallon
	3½d.
Bulk	8d.
Pint Bottles	8d.
Tetra-pak	8d.

The Hon. F. J. S. Wise: It is obvious you are not talking about beer.

5. This question was postponed.

WORKERS' COMPENSATION

Statutory Limit: Number Exceeding

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

How many persons receiving workers' compensation have exceeded the statutory limit allowed under the Workers' Compensation Act in each of the years, 1959 to 1964?

The Hon. A. F. GRIFFITH replied:

The question is not understood, as it is difficult to visualise any case where a worker could be receiving compensation beyond the statutory limit allowed under the Workers' Compensation Act.

LEAVE OF ABSENCE

On motion by The Hon. S. T. J. Thompson, leave of absence for six consecutive sittings granted to The Hon. T. O. Perry (Lower Central) on the ground of ill-health.

BILLS (2): INTRODUCTION AND FIRST READING

1. Local Government Act Amendment Bill (No. 2).

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

2. Sale of Human Blood Act Amendment Bill.

Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Health), and read a first time.

STATE FORESTS: ADDITION OF NELSON LOCATION 5485

Disallowance of Order-in-Council:

*Withdrawal of Notice of Motion—
Personal Explanation*

THE HON. F. D. WILLMOTT (South-West) [2.44 p.m.]: It is my intention to seek leave of the House not to continue with the motion regarding which notice is given on today's notice paper, and which reads as follows:—

That the Order-in-Council made under subsection (1) of section 20 of the Forests Act, 1918-1964, relating to the dedication of Nelson Location 5485 as an addition to State Forest No. 57, as published in the *Government Gazette* on the 7th May, 1965, and laid on the Table of the House on the 3rd August, 1965, be and is hereby disallowed.

In view of this, I think members are entitled to some explanation.

My motion refers to the dedication of certain land as an addition to State forests, and my reason for giving notice of it was not a frivolous one. I assure the House on that point. I had intended to bring the motion forward, because when these dedications were laid upon the Table of the House they did not contain any information whatsoever. All that was tabled was a plan and notice of the intention to take this land into State forests.

As members will recall, this is the result of an amendment that was passed by Parliament last session, and this is the first time dedications as a State forest have been tabled. Following papers tabled yesterday by the Minister, the information I was seeking has now been made available, and the piece of land, the subject of my intended motion, has been surveyed—I am assured—by the Crown land tribunal, and its report, together with an amended plan, has now been tabled. I would point out that the original plan did not show the State forest as existing at this time.

The remarks I have made apply to the other dedications that were tabled, which numbered five or six, but they were only minor areas; and the reason for giving notice of my motion concerning this piece of land was in an endeavour to create a precedent to ensure that in future full information on such dedications will be tabled. In the past, Parliament has not had the opportunity of seeing the information relating to these dedications, and the final decision simply rested with

the department, with nobody outside knowing whether the matter had been recommended by the tribunal or the department.

The final decision now rests with Parliament, but if it is to make a decision it should have all available information at its disposal; and I certainly express the hope that in the future all such information will be available. In fact, after making this stand on this piece of land I feel sure that will be so, because the Minister has told me that he has instructed his department to make all information available.

I thought it was only correct that I should make this explanation so that members would be fully aware why I did not proceed with the motion.

Notice of motion, by leave, withdrawn.

DOG ACT AMENDMENT BILL

Third Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [2.48 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. DOLAN (South-East Metropolitan) [2.49 p.m.]: A little misunderstanding has occurred between the Minister and myself and I want to make the position perfectly clear. Yesterday I read to the House the definition of sheep as follows:—

Sheep: Any animal of the ruminant genus *Ovis* closely allied to the goats.

And the Minister corrected me with a different interpretation. I really do not know how to say it, but we were both right despite the fact that we each gave a different interpretation.

I took my definition from the *Shorter Oxford Dictionary*, which is the only dictionary in the library, and I think the Minister obtained his definition from the *Concise Oxford Dictionary*, which does refer to woolly animals. There is no such reference in the *Shorter Oxford English Dictionary* as appears in the other one. I rise to make that position plain, because since I have been in this House I have not made, and as long as I remain here I will not knowingly make, a statement which is incorrect.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT) BILL

Report

Report of Committee adopted.

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.51 p.m.]: I move—

That the Bill be now read a second time.

The Bill has been introduced to comply with an election promise given by the Government. Its purpose is to make provision for a greater measure of financial assistance to independent schools. Departmental schools may obtain a subsidy of 25 per cent. of the total cost of a swimming pool up to a maximum subsidy of £1,000. It is proposed to extend this arrangement to independent schools. Provision is also made in the Bill for the supply of additional free stock, such as duplicating, and first aid and cleaning materials.

A tuition fee subsidy of £15 per annum in respect of secondary scholars in first, second, and third years will be granted, and a subsidy of £18 in respect of fourth and fifth year students. In an endeavour to help the parents, the payments will be made to the school and shown as a deduction on the school's account to the parent. These payments will be retrospective to the 1st January, 1965. The necessary power to make regulations for the administration of the subsidy is also provided.

A further proposal is for assistance to schools in the matter of interest payments on loans raised for the provision of residential accommodation. The subsidy rate and the terms of repayment are to be determined from time to time by the Treasurer.

Initially, the Government is to meet interest charges of up to 5 per cent. per annum with the proviso that loans be paid off in equal instalments over a maximum period of 20 years. Adjustments will be made where this condition cannot be met. This type of assistance will be available to schools in respect of loans raised since the 1st January, 1965. There will be no limit to the amount that may be borrowed.

Debate adjourned, on motion by The Hon. J. Dolan.

BUSH FIRES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [2.54 p.m.]: I move—

That the Bill be now read a second time.

As members would know, it is at times necessary to burn industrial waste; and the oil and gas exploration industries and the industrial expansion, generally, render it

desirable that some provision be made in the Bush Fires Act for the burning of industrial waste under approved conditions as the occasion demands.

It is proposed that when the Bush Fires Board is satisfied that all necessary precautions have been taken to control any fire lit for the purpose of burning industrial waste—and this includes the disposal during testing and drilling operations for petroleum, oil or gas—the board will advise the Minister for Lands in order that ministerial approval might be obtained for the disposal of wastes in this manner.

As is known, oil and gas have been located in several of the 149 wells which have been sunk during the course of the oil exploration programmes, which have entailed an expenditure in this State of £27,000,000. At one place in particular—Yardarino—there arose the necessity to burn the test production. No doubt more discoveries will follow. Gas, in particular, is a most dangerous commodity to handle, so it is essential that provision should be made for enabling wastes to be properly controlled in their disposal. The local authority controlling the area where the Yardarino discovery is located supports action of this nature. The Bill is commended to members.

Debate adjourned, on motion by The Hon. F. D. Willmott.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.56 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to implement certain recommendations made by the Royal Commission which inquired into the safety of ships at sea, to which the marine Act applies. One of the points on which evidence was submitted to the commission was in respect of the powers of the Harbour and Light Department to enforce the provisions of the Act and its regulations. As a consequence, the commissioner's report, which was submitted to the Governor on the 9th November last, contained recommendations for the strengthening of the Act and the regulations made under it, in order that the department might be given full powers of enforcement.

In all matters contained in the Act, the Harbour and Light Department has jurisdiction throughout navigable waters lying within three nautical miles of the coast, and also the inland navigable waters of the State.

In the matter of the survey of ships, reference will be found in section 34 of the Act as to what class of ships come within the jurisdiction of the department.

Generally, this jurisdiction applies to all ships—British or foreign—except passenger ships, in respect of which, certificates granted under part III of the Merchant Shipping Act, or declared under that Act to have the same force as if so granted, are in force.

Certain classes of ships may be exempted by proclamation. Ships not included are those not propelled by steam, and not used in trade or commerce or for the purpose of gain. Also, ships to which division 1 or 2 of part IV of the Navigation Act applies, are excluded from the application of part IV of the Western Australian Marine Act.

Under section 35 of the parent Act, it is required that vessels coming within its jurisdiction be surveyed annually with a view to obtaining in effect a certificate of seaworthiness. It has been disclosed that a number of fishing vessels have been evading this requirement, and there is no power given to the department to make snap inspections or, if it is considered necessary, to order vessels not complying with the requirements of the Act to go ashore.

The commissioner recommended in his report that this power should be given to the department. The proposal contained in clause 2 of the Bill is to give power to a duly authorised person to board any vessel being navigated within the jurisdiction of the Act to inspect such vessel and its machinery and equipment. The license permit or certificate required in connection with the ownership, use or navigation of the vessel, must also be produced on demand.

These powers will enable snap inspections to be made at sea, or in other places, such as the navigable waters of lakes, rivers or estuaries. Upon the conclusion of such inspection, if it is established that the vessel be unseaworthy for any reason whatever, if it is overloaded or if it does not hold the required certificate and, furthermore, if it is not manned in accordance with the Act, the inspector may order the vessel to the nearest port or place. The amendment will also authorise the removal of a vessel should an official order in respect of the foregoing not be complied with.

Difficulties confronting departmental officers in proving allegations under the regulations in support of prosecutions was another matter about which evidence was submitted to the Royal Commission. Provision is made, therefore, in this Bill which will place an obligation on the owner or any person in charge of a vessel to provide such information as may lead to the identification of the person or persons by whom a vessel was at any time manned, in order that officers of the department may be enabled to ascertain all pertinent facts relative to infringement of the regulations.

These requirements are contained in clause 3 of the Bill. They are in line with section 34 of the Traffic Act, which defines the duty of an owner of a vehicle to identify an offending driver where this is possible.

Finally, clause 4 provides that an averment in the complaint that any person was or was not the holder of any particular certificate is proved in the absence of any proof to the contrary.

Debate adjourned, on motion by The Hon. R. Thompson.

BUNBURY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [3.2 p.m.]: 1 move—

That the Bill be now read a second time.

Under sections 10, 11, and 61 of the Bunbury Harbour Board Act, the payment of prescribed fees in respect of every ordinary meeting of the board attended by the chairman or members is authorised.

However, in practice it is found that a business organisation, such as the Bunbury Harbour Board, functions more often than not outside of regular meeting hours. A committee formed to examine various complaints made about anomalies and differences in amounts paid as fees to various Government boards and instrumentalities has recommended that the payment of fees on an annual basis would be preferable in respect of the Bunbury Harbour Board, and this Bill supports that recommendation. Similar action is being taken in respect of the Albany Harbour Board, and this follows the action taken last year to implement the proposal for the members of the Fremantle Port Authority.

This Bill, then, is nothing more nor less than a machinery measure to provide that the payment of fees to the board shall be on an annual basis and that the amounts shall be as prescribed by regulation, made possible by the inclusion of appropriate regulation-making power in the Act.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

ALBANY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [3.4 p.m.]: 1 move—

That the Bill be now read a second time.

Arising out of complaints received over a considerable period of time of anomalies and differences in fees paid to members

of Government boards and instrumentalities, an examining committee was formed. As a result some alterations have been made where applicable by regulation.

Fees paid to the chairman and members of the Albany Harbour Board are, under sections 10 and 11 of the Act, prescribed in respect of every ordinary meeting of the board which the chairman or members attend.

The Albany Harbour Board meets twice monthly, but it is required that the board function more often than not outside of regular meeting hours. As a consequence, it is considered more appropriate that an annual fee be paid than a fee based on the number of meetings attended; and this course was recommended by the committee, and entails an amendment of the Act.

The Bill covers the committee's recommendations by providing that payment of fees to the board be on an annual basis and that the amounts be as prescribed by regulation, this latter being made possible by the inclusion of regulation-making power in this measure.

As I mentioned earlier, this is literally identical with the previous Bill dealing with the Bunbury Harbour Board.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

SPEAR-GUNS CONTROL ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.5 p.m.]: I move—

That the Bill be now read a second time.

When recently a local authority obtained permission for the prohibition of the use of spear-guns at its beaches, it was soon realised that the authority had no direct power of enforcement, as such authority is under the Act vested in an inspector, who must be either a member of the Police Force or an inspector under the Fisheries Act.

When one considers the extensive lengths of beaches over which enforcements may be required, it is readily appreciated that it would not always be practicable for policemen or fisheries inspectors to be available in sufficient numbers and for the period of time necessary to effect enforcement of a prohibition against the use of spear-guns.

The purpose of this Bill, then, is to substitute a new interpretation of inspector in the Act in order to include in addition to a member of the Police Force or an inspector of the Fisheries Department, any person appointed by a municipality constituted under the Local Government Act, 1960, as an inspector by or under the Act.

The prohibition is exercisable under section 5 of the Spear-guns Control Act, and applications by local authorities to have prohibited areas are made on the grounds of safety. It is submitted that local authorities are in a very good position to judge whether danger exists at certain beaches for which they are responsible.

Mention should, I think, be made in appreciation of the efforts of organisations of spear-fishermen to control their members. On the other hand, not all spear-fishermen are members of a controlling organisation, nor are they subject to discipline. Naturally it is the absence of discipline which presents a danger to others.

There is no intention of completely banning spear-fishermen from enjoying their sport. Bans proclaimed cover only populated beaches in certain areas and allow ingress to and egress from the sea. Examples which may be quoted are bans placed at Scarborough Beach, Trigg Island, Mettam's Pool, Hammersley Pool, North Beach, and Waterman's Bay. Blanket bans have not been placed on the entire seafloor but only in areas where the public swim, and these are defined in the proclamation.

The necessity for banning the activities of spear-guns at certain beaches, or perhaps one should say the operators of spear-guns, is generally recognised, and the small provision in this Bill is considered the best means of ensuring that proclaimed areas will in effect remain safe areas of recreation for the general public.

Debate adjourned, on motion by The Hon. J. Dolan.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.9 p.m.]: I move—

That the Bill be now read a second time.

The new Registration of Births, Deaths and Marriages Act of 1961 was enacted primarily to improve registration procedures and to bring up to date the legislation in respect of registration of marriages and legitimations, complementary to the Commonwealth Marriage Act of the same year. Both Acts were proclaimed on the 1st September, 1963. This Bill will further smooth out procedures, and it will also embrace concepts which are to have application throughout the Commonwealth.

Pressure has been steadily applied in Australia for some years past to have registerable birth so defined as to include

a product of conception of at least 20 weeks' gestation. The World Health Organisation, the National Health and Medical Research Council, and statisticians in conference have been pressing continuously for general acceptance of this proposal.

The minimum period of gestation stipulated under registration law in Australia for many years past for registration of children not born alive has been seven months—28 weeks in some cases. This minimum has precluded any record by registration being kept of those off-spring whose period of gestation was between 20 weeks and seven months.

Twenty weeks gestation is considered the lowest limit at which live birth is possible. By establishing this limit as that for registration, an official and continuous record of such births will be available. As the majority of children in the lower gestationary periods are not born alive, registration would provide a basis for the desired research into the causes of such foetal deaths. The proposed lower limit is acceptable in Western Australia.

The present definition of "birth" should be amended to read as follows:—

Means the complete expulsion or extraction from its mother of a product of conception born alive or which is of such period of gestation or such weight as may be prescribed.

The foregoing definition would thus enable the introduction at the appropriate time of a 20-week period or alternatively grammes weight where the gestationary period cannot be determined.

The above proposal is designed to enable us to prescribe the gestationary period at whatever point in time agreement by the other States is reached on its introduction. Until such agreement is reached the prescribed period will be as at present stated in the Act.

Another matter which would require an amendment of the Act is a proposal to turn to automatic data processing of all registrations of births, deaths, and marriages. The proposal stems from an approach by the Commonwealth Statistician to the Registrar-General which has as its objective the supplying of data on vital statistics to the statistician, with less time lapse than at present, and in a form easily convertible to computer operation.

Implicit in the proposal is the ability of the State to machine process for its own purposes, material such as birth extracts and various returns at present prepared by hand. An approach to the Premier by the Prime Minister has been made on this matter and the necessary machines and the servicing thereof will be at the Commonwealth Government's expense.

As the processing of registration, together with an automatic production of a taped record for computer operation, can only be done in Perth, it follows that the registration of births, deaths, and marriages at present being done in the 26 registry districts outside the metropolitan area would be effected in the Registrar-General's office.

The proposed change is purely an internal matter. It does not impose any additional obligation on the public whatsoever, nor does it curtail any of the services the department provides. District registrars throughout the State will still furnish the services, documents, and information they now provide.

Victoria is at present the only State in which registration of all births, deaths, and marriages is effected at a central office. In consequence, the provisions of the 1960 Act of that State have been closely studied.

The Registrar-General is already empowered to refuse a search or a certified copy, of an entry in a register, if such would reveal illegitimacy, adoption, or legitimation. It is considered desirable and necessary that the power to refuse be extended to cover all registrations.

In the first place, except for the limitation already mentioned, any person can secure a copy of the birth, marriage, or death registration of any other person. This facility can, however, be used to circumvent the limitation above by checking on marriage registrations and the registrations of the births of other issue.

It is felt that unless a person has a proper reason it should be possible to refuse access to any registration. The provision has been a feature of Eastern States legislation for a long time, notably in South Australia, Victoria, New South Wales, and Queensland. The Bill, however, provides for the right of appeal to the Minister where a request is refused.

The final matter I have to mention is a proposed amendment to remove certain restrictions to the registration of a death, where such has occurred more than 12 months prior to registration being sought. Whereas at present the approval of the Registrar-General is required in writing up to a period of seven years and the approval of a judge after that period, the Act requires a death to be so well authenticated that the above authorisations are not really necessary. The other mainland States have no such restrictions. It will be noted that the amended Act, if passed, will be proclaimed at a suitable date. It is desirable that it should operate from the 1st January, 1966.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.15 p.m.]: I move—

That the Bill be now read a second time.

As the industrial activities of the State expand, employers require from time to time to send some of their employees to other States. These employers feel the need for protection against a claim payable in the terms of an Eastern States Workers' Compensation Act when an injured employee elects, as he may do, to claim under the Act of the State where the injury was received. Cover can only be given at present to the employee in the terms of the compensation provided in the Western Australian Act, although he may be injured outside the State.

It is not a cover that is required very often but it is thought desirable to introduce an appropriate amendment to the Act to extend the cover granted under the employers' indemnity policy (Workers' Compensation Act) to cover a worker employed under a contract of service in Western Australia but who works outside the State—usually only temporarily—and who, having met with an accident at work, decides to claim against his employer for workers' compensation in the terms of the legislation of the State in which he was injured.

The State Government Insurance Office cannot accept reinsurance at present under any circumstances. This results in all the business which the office has to reinsure being placed with reinsurance brokers or reinsurance companies. These, in turn, remit the money overseas, usually to London, so adversely affecting Australia's overseas trade balance.

This Bill will amend the Act to provide for the acceptance of reinsurance from other insurers in return for the acceptance by them of some or all of the reinsurance business offered to them by the State Government Insurance Office.

No specific arrangements have yet been made, but it is hoped that should this amendment be passed the office will be able to accept some reinsurance either from brokers or other insurance companies in return for some of the State Government Insurance Office's reinsurance premiums.

State Government Insurance Office premiums approximate £3,000,000 per annum, and of that sum about £215,000 is paid away in reinsurance premiums. The proposed amendment provides scope for retaining a portion of this amount within the country. This would be of assistance to the State by reducing our trade deficit and to the Commonwealth by reducing the drain on our overseas funds. As earlier indicated, some little time will

probably elapse before new arrangements may be made. This is a field where considerable skill and care is needed to ensure that a satisfactory cover is obtained at a reasonable premium. If the amendment is agreed to, the State Government Insurance Office will make approaches to local insurance companies and insurance brokers to endeavour to achieve the aim of retaining within the State as much as possible of the money now being paid overseas.

Another amendment proposes the deletion of the proviso in relation to the power given to transact motor vehicle insurance. The right to issue this insurance is at present conditional upon the continuance of the law compelling insurance by motor vehicle owners against third party risks arising from the use of motor vehicles. The proviso is now considered quite unnecessary, because it is inconceivable that at any time in the future there will not be compulsory third party insurance.

There is a requirement in the Act at present that transactions referring to industrial diseases be kept separately from other accounts. It has not been done, for the reason it is impossible of implementation. The third schedule of the Workers' Compensation Act lists numerous diseases as industrial diseases, but no separate premium is collected in respect of them nor are the claims paid separated from other claims.

It is submitted, therefore, that there is no point in retaining this provision in the Act, for even if it were possible to carry it out, it would seem to be of no particular value. Were it intended to refer to pneumoconiosis disease only, there would still be no necessity for this being mentioned in the Act. This information is kept separately in the accounts, as members will be aware from perusing the accounts tabled each year; and they will continue indefinitely to be kept in this manner. The proposed amendment will not in any way affect the existing practice adopted by the S.G.I.O.

The office has been undertaking reinsurance as well as insurance under the general interpretation of "insurance business." Some legal doubts exist as to whether the terms "insurance" and "reinsurance" are synonymous in this regard. The appropriate amendment in the Bill has been drafted to put the matter beyond doubt. Without reinsurance the office would not be able to function efficiently. It is a necessary corollary to almost all types of insurance.

There are at present 109 policies of insurance under the provisions of section 37 of the Bush Fires Act, 1954. The power to issue such policies was regarded as having been provided by the section dealing with the issue of policies to local authorities. Some doubt as to the power to do this has been expressed, and, with a view to removing this doubt, a small amendment has been inserted in the Bill.

Opportunity is being taken, with the introduction of this measure, to improve the wording used in the Act in several places. Instances are words used in the interpretation section in relation to employers' indemnity insurance where words such as "workers" and "compensation" have been replaced by the words "employees" and "payments or allowances".

The Hon. F. J. S. Wise: Are not all employees worth it?

The Hon. A. F. GRIFFITH: I would not find it necessary to make any further comment on the matter, but the honourable member might be right. The words now being introduced are considered to be more appropriate. Their substitution does not affect in any way the cover under the policy. The term "manager" will be replaced by the term "general manager" resulting from the change in this title as from the Public Service reclassification effective from the 1st January, 1959. This is a change pertaining to the State Government Insurance Office Act and not to the previous matter mentioned.

The definition of "local authority" requires amendment because of changes made by Parliament to the legislation dealing with local authorities. Mention of the Employers' Liability Act, 1894, has been deleted, as this Act was repealed in 1951.

The foregoing amendments fall broadly into three categories: Firstly, extensions to the present scope of insurance business undertaken by the office to enable it to cater for modern demand and to allow for flexibility of operation within the current franchise; secondly, clarification of some of the current provisions of the Act, together with the deletion of certain provisions and requirements now determined to be unnecessary; and, thirdly, amendments designed to improve the wording as well as amendments in respect of references to other legislation which appears in the State Government Insurance Office Act, which legislation has been the subject of either amendment or repeal since the last occasion when this Act was before Parliament for review.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.24 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 7th September.

Question put and passed.

House adjourned at 3.25 p.m.

Legislative Assembly

Thursday, the 26th August, 1965

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