true to say that there are big profits for the companies concerned; but there is also a big profit for the State in the way of employment opportunities and other things that go with this type of agreement.

The Hon. F. R. H. Lavery: Such as the Kwinana refinery brought.

The Hon. A. F. GRIFFITH: That is a worth-while observation. One has only to have regard to the figure Mr. Baxter mentioned a while ago and the relatively small deposit at Koolyanobbing to realise that gave us a broad gauge railway line and an integrated iron and steel industry based at Kwinana.

The Hon. H. C. Strickland: It did not give them to us; we paid for them.

The Hon. A. F. GRIFFITH: The honourable member knows as well as I do that is the only thing that would have given us the broad gauge railway line. All the talk about defence and the need to link the east with the west would not have given it to us.

The Hon. H. C. Strickland: Tourists.

The Hon. A. F. GRIFFITH: Nor tourists. The iron ore deposit was responsible. We can be grateful for the fact that the agreement in relation to Koolyanobbing resulted in the broad gauge railway line and a steel industry at Kwinana. There is no more I can say other than to thank Mr. Wise for his support of the Bill and also Mr. Baxter for his support and remarks.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Power of Company to enter certain Crown lands—

The Hon. F. J. S. WISE: I would not like the Minister to hurry through the clauses or the schedule, because I wish to raise many matters, not unreasonably. However, they will take some time. For example, I think we are entitled to an explanation as to the wide scope of this and the two succeeding clauses, and I am prepared, not to insist on, but to ask for an explanation of these matters. How wide is to be the authority of the company to have an influence on Crown land and to enter it for the purposes of the agreement?

The Hon. A. F. GRIFFITH: It is not my desire to rush this Bill through and I am quite happy to report progress at this stage. However, I would like an opportunity to study any remarks the honourable member may make in relation to these clauses so that I will not have to give him an off-the-cuff answer. Therefore we could report progress tonight and resume in Committee at another convenient time.

The Hon. F. J. S. Wise: I would assist the Minister to get it through by Thursday.

The Hon. A. F. GRIFFITH: A date is mentioned in the agreement, and we must have regard for that. However, I do not want to hurry it through. Mr. Wise may like to address himself to the clauses now. He could do this, or I could report progress.

The Hon. F. J. S. Wise: That would be better.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Mines).

House adjourned at 9.53 p.m.

Legislative Assembly

Tuesday, the 12th September, 1967

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

SWEARING-IN OF MEMBERS

THE SPEAKER (Mr. Hearman): I have received the writs for the by-elections for Mt. Marshall and Roe. I am ready to swear in Mr. Walter Raymond McPharlin, the member for Mt. Marshall, and Mr. William Gordon Young, the member for Roe.

The honourable members took and subscribed the Oath of Allegiance and signed the roll.

IRON ORE (HANWRIGHT) AGREEMENT BILL

Tabling of Plans

MR. COURT (Nedlands—Minister for Industrial Development) [4.35 p.m.]: Have I your permission, Mr Speaker, to table a plan showing the temporary reserve area in respect of the Hanwright agreement, and, in addition, a location plan which shows in a simple form the actual locations of the areas in question?

The SPEAKER: Permission granted.

The plans were tabled.

QUESTIONS (12): ON NOTICE

RESERVOIR AT WUNGONG BROOK

Site and Capacity

1. Mr. RUSHTON asked the Minister for Water Supplies:

   (1) Has a suitable site for building of a reservoir on Wungong Brook been determined?

   (2) If "Yes," what is the estimated holding capacity of this future dam?

   Mr. ROSS HUTCHINSON replied:

   (1) Two reservoir sites have been determined, but a final selection will depend on further study.

   (2) Current investigations indicate a capacity slightly less than Canning Dam (20,550,000,000 gallons).

PAYNES FIND HOTEL

Provision of Accommodation: Dispensation

2. Mr. JAMIESON asked the Minister representing the Minister for Justice:

   (1) Referring to my question on Tuesday, the 5th September, 1967, and the reply thereto, has the Paynes Find Hotel been granted some special dispensation by the Licensing Court in the provision of accommodation?

   (2) Can a holder of a publican's general license normally refuse accommodation either temporary or semi-permanent, providing the accommodation is available?

   Mr. COURT replied:

   (1) No.

   (2) The license held since first granted in 1914 is a publican's general license. Section 118 of the Licensing Act, 1911-1965, provides that any holder of such a licence—

   > who without reasonable cause refuses to receive any person as a guest in his house or to supply any person with food, refreshment or lodging, commits an offence. Penalty: One hundred dollars.
   >
   > Provided that the burden of proof that there was reasonable cause for not complying with this section shall be upon the licensee.

DRUNKEN DRIVING

Stationing of Police Officers outside Hotels

3. Mr. FLETCHER asked the Minister for Police:

   (1) With a view to reducing traffic accidents, will he—

   (a) station traffic or other police at unspecified suburban and near metropolitan hotels, prior and subsequent to closing time on a Friday and Saturday evening;

   (b) give such police authority to—

   (i) warn suspected inebriated drivers not to drive;

   (ii) withhold ignition keys from those who insist on driving while obviously affected by drink;

   (iii) arrest those defying a warning?

   (2) Will he further give consideration to having one or more breathalyser mobile units made available to work in conjunction with members of the police carrying out duties mentioned in (a) and (b) above?

   Mr. CRAIG replied:

   (1) No.

   (2) Answered by (1).

GOLDMINING

Leases at Yalgoo

4. Mr. JAMIESON asked the Minister representing the Minister for Mines:

   With respect to goldmining leases Nos. 1242, 1243, 1244, 1240, 1207, and 1063, all of Yalgoo district—

   (a) what leases are currently being worked or, alternatively, how long have they remained idle;

   (b) what parcels of ore have been treated from each lease in the last two years;

   (c) what has been the yield of each respective throughput of ore?

   Mr. BOVELL replied:

   (a) The Mines Department has no information as to whether all of these leases are currently being worked, but production has been recorded from those listed in (b) and (c) and G.M.L. 1240 is under exemption from working conditions until the 23rd November, 1967.

   (b) and (c)—

   G.M.L. 1242.

   May, 1967—108 tons for 68 oz. 15 dwts. of gold.

   G.M.L. 1243.

   June, 1967—120 tons for 8 oz.

   June, 1967—114 tons for 5 oz. 6 dwts.

   July, 1967—96 tons for 6 oz. 18 dwts.

G.M.L. 1244.
August, 1967—18 tons for 1 oz. 11 dwts.
G.M.L. 1240—Nil.
G.M.L. 1207—Nil.
G.M.L. 1063—Nil.

MEDIAN STRIPS

Use of Reflective Signs

5. Mr. CROMMELIN asked the Minister for Traffic:

(1) Has he driven down Stirling Highway from Perth to Fremantle at night and observed the signs on the median strips?

(2) Is he aware of the fact that these signs are not reflectorised and could constitute a traffic hazard?

(3) Is it planned to have these signs, and indeed all signs on median strips in the metropolitan area, reflectorised?

(4) If "Yes," when is Stirling Highway likely to be done and other roads treated in the same manner?

Mr. CRAIG replied:

(1) Yes.

(2) The signs on the Stirling Highway median islands (i.e. "Keep Left" regulatory signs) are fully reflectorised and incorporate the best quality retro-reflective sheeting available on the market. The impact of the reflectorisation is, of course, diminished by street lights and other background lighting.

(3) All "Keep Left" and other regulatory signs on medians erected by the department within the metropolitan traffic area have been fully reflectorised since the end of 1965.

(4) Answered by (2) and (3).

UNIVERSITY FEES

Government Subsidy

6. Mr. TONKIN asked the Treasurer:

(1) What was the total amount paid by the Government last year in subsidies to University students, permanently domiciled residents of this State, and who are not in receipt of assistance by way of scholarship, bursary, or similar award the value of which is in excess of 50 per cent. of the annual fee?

(2) With reference to his reply (the 7th September) "that over 50 per cent. of total fees collected by the University are paid on behalf of students holding scholarships and other awards," will he explain how this in any way eases the financial burden on those students who have to pay their fees without the benefit of scholarship or other awards?

Mr. BRAND replied:

(1) $34,874.

(2) This information was given in order to point out that a large proportion of students are not affected by increases in fees.

MITCHELL FREEWAY

Mounts Bay Road-Wellington Street: Expenditure

7. Mr. TONKIN asked the Minister for Works:

(1) What is the estimated cost of the section of the Mitchell Freeway between Mounts Bay Road and Wellington Street?

(2) What has been the expenditure to date on this section?

Mr. ROSS HUTCHINSON replied:

(1) The estimated cost of the construction of the Mitchell Freeway between Mounts Bay Road and Wellington Street, excluding bridges over Mounts Bay Road and bridges over Wellington Street and the railway line, is $3,300,000. This does not include resumptions. The estimated cost of bridges over Wellington Street and the railway line has not been taken out as the design of the Hamilton interchange and staging of construction has not yet reached finality.

The cost of bridges over Mounts Bay Road was included in the figure of $17,000,000 given in answer to question 21 of the 7th September, 1967.

(2) $1,620,000, excluding resumptions.

DAIRYING

Use of Orbenin Dry Cow Drug

8. Mr. RUNCIMAN asked the Minister for Agriculture:

(1) Is he aware that a new mastitis drug has been released in Britain, commercially known as "Orbenin Dry Cow," which has greatly reduced the incidence of mastitis?

(2) Is this drug available in Western Australia?

(3) If not, could his department investigate the possibilities of having it made available to dairy farmers in this State?

Mr. NALDER replied:

(1) Yes.

(2) No.

(3) The drug will be investigated immediately it becomes commercially available in Australia for the treatment of mastitis. At the same time the better approach to this disease is in the field of prevention, and the Department of Agriculture has had considerable success with this approach. It is considered that the concentration of departmental effort along these lines is more desirable than encouraging farmers to treat cases after they have developed.

GOVERNMENT DEPARTMENTS

Employment of Married Women

9. Mr. DAVIES asked the Premier:

Further to my question 6 of the 3rd November, 1966, can he now advise of any change in Government policy regarding the employment of married women in Government departments?

Mr. BRAND replied:

There has been no change of policy since the 3rd November, 1966, but the matter is still receiving consideration and I hope to make an announcement in the near future.

TEACHERS

Supply, and Permanent Staff: Conditions of Employment

10. Dr. HENN asked the Minister for Education:

(1) In what respects do conditions of employment vary as between teachers on supply and those on the permanent staff of the Education Department?

(2) What are the basic reasons for these differences?

Mr. LEWIS replied:

(1) Temporary teachers (or teachers on supply) are not eligible to apply for appointment to promotional positions or, in normal circumstances, to join the superannuation fund. They are paid at the same annual rate as permanent teachers on the same grade but are not paid over the holidays. They are compensated for this by a higher weekly salary.

(2) Temporary teachers are employed on a basis whereby their services are terminable by one week's notice either way.

VETERINARIANS

Recruitment from Eastern States

11. Dr. HENN asked the Minister for Agriculture:

In view of the severe restrictions on the number of veterinary students from Western Australia who are accepted into the faculties of veterinary science (where they are established) in the Eastern States and due to the acute shortage of veterinarians in Western Australia, will he give consideration to personal visits by the Chief Veterinary Surgeon of the Department of Agriculture or his deputy to the Eastern States at the appropriate times to recruit new graduates in veterinary science for this State?

Mr. NALDER replied:

Inquiries are constantly being made in all States and overseas to ascertain if any graduating veterinarians are interested in employment in Western Australia. Depending on the result of inquiries, personal interviews are arranged.

DAIRY PRODUCTS

Consumption, Imports, and Exports: Comparative Figures

12. Mr. RUSHTON asked the Minister for Agriculture:

(1) For the years 1957, 1962, and 1967, what has been the per capita consumption in Western Australia, South Australia, and Victoria of—

whole milk;
butter;
cream;
cheese?

(2) For the same years, what whole milk, butter, cream, and cheese has been imported and exported to and from Western Australia, South Australia, and Victoria?

(3) What are the factors which may be considered to preclude a fair comparison?

Mr. NALDER replied:

(1)—

Western Australia
Per Capita Consumption

	1957	1962	1967
Whole milk (pints), per day	0.616	0.600	0.605
Butter (lb.), per year	25.77	22.78	21.82
Cream (pints), per day	0.0047	0.0046	0.0043
Cheese (lb.), per year	6.6	7.2	8.7

In 1965 the consumption of butter reached the level of 21.20 lb. per head per annum and has been slowly rising since and is now 21.82 lb.

The figures for South Australia and Victoria are not available on a comparable basis.

(2)—

Western Australia
Imports and Exports

	1957		1962		1967	
	Imports	Exports	Imports	Exports	Imports	Exports
	lb.	lb.	lb.	lb.	lb.	
Whole milk	N.R.S.	N.R.S.	4,200	N.R.S.	31,685	252,319 gallons
Butter	996,692	390,781	1,146,043	1,666,239	655,243	420,392 lb.
Cream	618,114	4,340	N.R.S.	nil	805,552	N.R.S.
Cheese	2,724,010	77,757	3,290,881	1,035,283	4,962,294	1,371,203 lb.

The figures for South Australia and Victoria are not available on a comparable basis.
Note : N.R.S. = not recorded separately.

(3) No comparison is possible because the information is not collected by the Commonwealth Bureau of Census and Statistics or the Australian Dairying Products Marketing Board. Disposal of production and imports is readily available for Western Australia because of its relative isolation. The ease of interstate trade in the other States makes collection difficult. Imports and exports for these States are for overseas trade only.

QUESTIONS (4): WITHOUT NOTICE

STATE HOUSING COMMISSION

Eligibility of Applicants

1. Mr. GRAHAM asked the Minister for Housing:

(1) Press reports indicate that the State Housing Commission is undertaking some inquiry or investigation into the matter of income limits to decide the eligibility for applicants for State Housing Commission homes. Has the Government or Minister in mind the matter of increasing the amount of income which would allow an applicant to be eligible; or is thought being given to reducing the sum of eligibility; and/or is it intended to make any adjustments in respect of the credit allowed concerning dependent children under the age of 16 years?

(2) Whatever be the answers, if an amendment is required to the Act, is it the intention to introduce legislation for that or those purposes this session?

Mr. O'NEIL replied:

(1) and (2) It is true that the commission is giving consideration to altering the method of assessing eligibility in connection with the tenancy of State Housing Commission homes. Currently eligibility is based on at least one factor, which is the basic wage and variations to it. As members know, the situation is still vague relative to the ultimate adoption of a total wage concept, because I understand the Federal decision is subject to contest at law.

Many anomalies now exist in the methods, as laid down in the Statutes, for assessing eligibility, or assessing what, in fact, is a worker's wage. Members are aware that the commission is designed to deal with people on a low moderate income, and eligible applicants are referred to as workers. It is the definition of "worker" which creates some difficulty.

I have been giving consideration to this for some time, and quite recently the board requested one of its members, who is an officer of the Treasury, to carry out a very comprehensive study as to ways and means of making eligibility more equitable and to removing many anomalies. This report has been received and is now subject to investigation and study by a group of officers in the commission.

I would hope that if this study is completed, legislation will be introduced during the session. I cannot give any guarantee of this, of course, because the initial report was received only within the last few days.

In the ultimate, I think the intention would be to raise the eligibility figures and bring them more into line with what could be regarded as the normal concept in respect of Housing Commission

eligibility; and also to remove many anomalies which create administrative difficulties when determining eligibility.

MITCHELL FREEWAY

Increased Costs, and Premier's Announcement in 1963

2. Mr. ROSS HUTCHINSON (Minister for Works): On Thursday last the Leader of the Opposition asked two questions without notice subsequent to asking a question on notice which was answered by me. After some verbal by-play during which the honourable member alleged there were discriminations or anomalies between something which had been announced in the Press by the Premier in April, 1963, and my answer to his question, I said I would try to clarify the situation for him.

The situation is largely as I indicated; namely, he had probably misinterpreted the newspaper announcement. A full study of the newspaper announcement would reveal that the section of the freeway referred to was between Mounts Bay Road and Wellington Street with a little treatment at the Narrows interchange side. In fact, mention was made of a little preliminary treatment on each side of that section. This did not include the Narrows interchange. I am sure the Leader of the Opposition can read this for himself if he so desires. However, the Deputy Commissioner for Main Roads checked this statement at my request, and I myself checked the newspaper statement as recently as half an hour ago. What I have said is quite true. The announcement in the paper in 1963 is actually qualified by a statement that the work would include preliminary work only at the interchanges at each end of the freeway. The six stages referred to were, in fact, six stages that were nominated between Mounts Bay Road and Wellington Street.

STATE HOUSING COMMISSION

Eligibility of Applicants

3. Mr. DAVIES asked the Minister for Housing:

Following the question asked by the Deputy Leader of the Opposition, is the Minister aware that recent wage increases have ruled out vast numbers of people who were previously eligible for State housing assistance?

In view of this, could the Minister assure the House that any changes which may be made on this account will, in fact, be made retrospective when assessing the eligibility of the applicants?

Mr. O'NEIL replied:

I am unable at this point to answer the question, for the simple reason that I do not think it is applicable. Eligibility of applicants for rental accommodation is based on their income at the date of allocation. How one would make it retrospective when no offer has been made, I do not know.

Mr. Davies: Not for rental accommodation, but for purchase application.

Mr. O'NEIL: I would want notice of the question. The whole matter of eligibility is under review and this will probably be one of the factors taken into account when a decision is made.

STATE ELECTRICITY COMMISSION

Underground Mains

4. Mr. GRAHAM asked the Minister for Electricity:

I address my question now on account of a call which I received just before the House met. I wish to ask—

(1) Is it a fact that the State Electricity Commission refuses to allow electricity mains to be placed underground even when the developer is prepared to pay the entire cost of the main, or the difference between the cost of the underground main and the usual cost of the overhead mains with which we are familiar?

(2) If so, why?

Mr. NALDER replied:

(1) and (2) I would like some more detailed information on this subject. I have no recollection of hearing recently of any proposal which has been submitted to the commission. Without having some knowledge of the details of the case, I could not give an immediate answer. I would like the Deputy Leader of the Opposition to place the question on the notice paper so that if it has been considered by the commission, the latest decision can be given to the honourable member.

BILLS (2): THIRD READING

1. Albany Harbour Board Act Amendment Bill.
2. Bunbury Harbour Board Act Amendment Bill.

Bills read a third time, on motions by Mr. Ross Hutchinson (Minister for Works), and transmitted to the Council.

IRON ORE (HANWRIGHT) AGREEMENT BILL

Second Reading

Debate resumed from the 5th September.

MR. BICKERTON (Pilbara) [4.56 p.m.]: It is not my intention to spend a great deal of time on this measure, as a few days ago we dealt at some length with another measure which was very similar.

As members of the House will know, the measure which is before us now is an agreement between the Government and a firm which will be known as Hanwright. The two main principals in that firm are individuals known as Hancock and Wright. These people are Australians. Indeed, they are Western Australians and therefore it is quite heartening to see that at least a couple of our locals are having a go, and we hope they will make a success of the agreement.

As everyone would appreciate, the agreement does nothing more than give them authority to negotiate for the sale of the product, to explore, and, where possible, to exploit the leases which are allotted to them under the terms of the agreement. As the Minister for Industrial Development pointed out, the agreement has made it possible for the town of Wittenoom to breathe a little longer at least, because much of the iron ore exploration is based at Wittenoom Gorge. Of course, this has been quite valuable in connection with keeping that centre open.

I am afraid the Minister and I are still going to have some disagreement on this measure as we did on the previous one. I am referring to the clause which makes the agreement not subject to the Interpretation Act. However, before discussing that aspect, I would mention that I notice one of the principal differences between this agreement and the other agreement which was passed by the House a few days ago occurs in the arbitration clause.

I interjected the other night whilst the Minister was speaking and pointed out that a quick look through the agreement had revealed to me that there was quite a difference in this clause by comparison with the other one. For the benefit of members, the arbitration clause is on page 47 of the agreement. I cannot quote the Minister's reply to my interjection, because I have an uncorrected copy of his speech. However, in effect, he pointed out that, in view of the peculiar situation in relation to this agreement, there were slightly different circumstances, which necessitated the inclusion of the extra provision; whereas it was not necessary in the previous agreements that have been passed by the House. The extra provision, which I will read, alters the arbitration clause quite considerably. It states—

> except where this Agreement makes express provision for arbitration hereunder this clause shall not apply to any case where the Minister is by this agreement given either expressly or impliedly a power or discretion to approve consent direct or otherwise act in any particular way.

In effect it means that if there is a disagreement between the Minister in charge of the administration of this legislation and the company concerned, the matter would go to arbitration. Under this provision, where it is implied or expressed that the Minister has certain authority, the Minister has the final say. I assume the Minister for the North-West has an explanation for this. Personally, it is a provision I would like to see incorporated in the other legislation we have already agreed to, because it is quite a safeguard for the future. We must assume that the Minister is a responsible individual and if, under this agreement, he has certain powers, I cannot see, except in extreme circumstances, why arbitration should be necessary. However, I will await the Minister's explanation on that point.

The agreement in the Bill provides, similarly to others, for metallising plants of varying dimensions to be erected in due course, if this venture eventually goes ahead. The same provision is made in regard to other facilities to be provided by the joint venturers; and, all in all, one can only say it is very similar indeed to all the iron ore agreements the House has already ratified.

In regard to royalties, one matter pointed out by the Minister was that the penalty relating to pelletising—that is, the royalty penalty clause—is to be 100 per cent. in this agreement if certain conditions are not carried out within a specified period, whereas, in the Nimingarra agreement it is only 50 per cent. I am not particularly clear as to why it should not have been 100 per cent. in that agreement. I am not against the 100 per cent. penalty clause, but if the Minister thinks it is just to have a 100 per cent. royalty penalty clause in this agreement, why not have it in the Nimingarra agreement?

I take exception to a clause in this agreement, as I did to a similar one which appeared in the other agreement. This clause is actually in the Bill itself. It is the one which allows the Government completely to ignore the Interpretation Act in so far as it relates to the procedure for regulations made for the operation of this company. I do not want to weary the House, but members will know by this time that Parliament will have no opportunity to disallow any regulations and by-laws made under this agreement.

I said before, and I do not mind repeating it, that I can see no reason why these regulations should not come to the House so that any member of this Chamber can move for their disallowance in the same way as members can move for the disallowance of any other regulations that

are laid upon the Table of the House. My interpretation of the Interpretation Act is that it permits any member to move for the disallowance of any regulation tabled. I know the Minister on numerous occasions has pointed out that under this agreement it would not be practicable to follow the normal procedure. On this point, of course, he and I do not agree. I realise that the regulations under the agreement in the main refer only to certain facilities which the company shall supply at its own cost and it should therefore have some responsibility when making regulations for the administration of its own operations.

I do not make any great issue of that, but I feel sure that as the agreement provides the company must, first of all, submit to the Government of the day the regulations or by-laws it wishes gazetted, it will so submit them, and, if the Government agrees to them, they will come to Parliament for tabling. If the Government disagrees with them, Parliament would never see them, and the matter in question would automatically go to arbitration. The Government must have a majority to ensure that the regulations are passed by this House, and therefore I cannot see why the Government has any fear about any member successfully moving for the disallowance of any regulation that is tabled. If the Government has a majority, it would have no trouble in having the motion for disallowance of the regulation defeated. But in spite of this, no member of Parliament would be denied his right under the Interpretation Act to move for the disallowance of a regulation; and this is the principle that is important.

If members refer to the notice paper they will see that I intend to move an amendment to this clause when the Bill goes into Committee. The object of the amendment, briefly, is to enable Parliament to retain the powers it has now and thus ensure that a member of Parliament has the right to move for the disallowance of any regulation made under this agreement. We all know how few motions for the disallowance of regulations are moved in this House, and I feel sure that members of Parliament are responsible enough not to take action unless they firmly believe in their own minds there is a good and sufficient reason for the motion. If a member was somewhat irresponsible in moving such a motion, I cannot visualise his being successful with it in this House, because the other members would not back him up.

I think we are mistaken if we look at this matter from the point of view of any inconvenience it may cause the company. The Interpretation Act is not on the Statute book by accident; it is there by design. I do not believe its wording has been brought about by accident. I am sure it was drafted by design and after careful consideration by those originally responsible for its drafting. It has stood the test of time. To the best of my knowledge it has not inconvenienced any reputable company that has operated in this State in the past.

Further, there has never been any complaint against the drafting of the Interpretation Act; there has never been any suggestion of amending it because it was causing some inconvenience or creating some difficulty for an industry or an organisation that was operating in this State. There has been nothing of that nature, but suddenly the Minister for Industrial Development informs us that whilst we have all the iron ore we need at present, we would not be able to sell it and these companies would not enter into agreements with the Government unless written into the agreements was a clause which overrides this basic Act of Parliament.

The SPEAKER: Order! There is too much conversation in the Chamber. We have the member for Pilbara and several other members speaking, and I cannot allow it to continue.

Mr. BICKERTON: Thank you, Mr. Speaker. There is no reason why the Interpretation Act should be interfered with in any shape or form. I feel sure the companies in question would have sufficient faith in a democratically elected Parliament to be happy to have any regulations they formally drew up tabled not only in this House but also in the other House of our Parliament, so that they would be allowed to run the gauntlet of the Interpretation Act in the same way as all other regulations and by-laws are. I cannot, for one moment, honestly believe that a company that was interested in the export of iron ore and the manufacture of steel over a long period—that is establishing projects which we hope will continue for many years to come—would bypass this opportunity, merely because it felt that a regulation or a by-law it made in regard to its railway line may have to survive a motion for its disallowance in the democratic House of Parliament of the State in which it has established its industry. To me that just does not make sense.

I know the Minister has explained it to me and to other members in this House often enough, but his explanation still does not satisfy me. I do not say that I am still dissatisfied because of his explanation alone. Perhaps my powers to absorb are somewhat lacking, but I find it difficult to believe that any company would say, "No; no deal unless you place in the Bill a provision which prevents your Parliament from democratically moving a motion for the disallowance of one of our rules, regulations, or by-laws." However the Minister assures us this is so, and I can only add that I cannot agree with his thinking.

I do not like Parliament placed in the position of being told that an Act which has stood the test of time must be waived for the benefit of a particular company or companies. If this were a Bill to

amend the Interpretation Act to make such a provision apply to all regulations and by-laws, no doubt we would have to look at it from a different point of view; but this Bill discriminates. It allows a group of the companies in Western Australia to make regulations; and Parliament is placed in such a position that it can never move to disallow them when they are made.

Parliament is placed in such a position because, if the Minister does not approve of the regulations, they go to arbitration. If the Minister does approve they come before this House and are tabled in the normal way, but Parliament can do absolutely nothing about them. Regardless of what is in the regulations, Parliament is completely powerless to act in any shape or form. I do not think that is right, despite what the Minister may say about the agreement.

I do not intend to take up the time of the House any further in speaking to this measure, as we have already discussed several iron ore agreements over the last few years. The agreement contained in this Bill is similar to that contained in previous Bills; but on the matter of the Interpretation Act I wish to say a few words in the Committee stage when I move my amendment.

MR. GRAYDEN (South Perth) [5.13 p.m.]: I say at once that I will support the Bill, but I do not want to record a silent vote, because I object to two provisions in it, one of which has just been discussed by the member for Pilbara; namely, the clause which enables regulations to be made by the company, which regulations subsequently cannot be disallowed by Parliament in any circumstances. Like the member for Pilbara I find the provision contained in the clause extraordinary.

In fact, I can hardly believe it, especially when one keeps in mind that there has never been any Act of Parliament placed on the Statute book which cannot be amended, no matter what the circumstances may be. In this Bill, however, we are delegating powers in respect of certain things contained in an Act so that any regulation made under the agreement can never be disallowed following a motion moved by a member of this House. If this is agreed to we will abrogate a principle of very long standing and we will be making a rod for the backs of members of Parliament.

To my mind, the clause amounts to a denigration of Parliament. Therefore, any member who does not protest against this part of the legislation is not fulfilling his obligations to his constituents.

I have said before that one swallow does not make a summer. Because we are passing this Bill today, it does not mean it will automatically result in a national calamity, or that the moral standards in this State will collapse overnight, or that industry will collapse. That sort of thing is not likely to happen. But if we continue as we are, we will soon reach the stage where all sorts of abuses will be introduced.

I have listened to the explanations given by the Minister, and he made it quite clear that we are only delegating the power to make these regulations in connection with certain things that are defined by the legislation, and that in certain circumstances we can go to arbitration in connection with these matters in the legislation.

This, however, is not a satisfactory explanation. There is no doubt it still constitutes an abrogation of the long-established principle of the supremacy of Parliament when dealing with subordinate legislation. The agreements we pass in connection with iron ore and the development of many of our natural resources are agreements in name only. They are not agreements in the true sense of the word. As the Minister said, they are a means of giving some form of security to companies to enable them to raise the necessary finance to help them proceed with the projects in question.

In the circumstances, this sort of thing can be signed by the Leader of the Government, or by a Minister in the Government; but apparently this is not good enough for the firms concerned. It is not sufficient that the firms should go to the Opposition to obtain the signatures of those members. The firms in question want to come to Parliament; they want Parliament to ratify the agreements, because, obviously, they feel that if they obtain the signature of Parliament on the documents, those documents will have the necessary significance and weight.

The firms in question are mindful of the fact that Parliament can at any time abrogate such agreements. But, of course, no Australian Parliament would do that in any circumstances. I must stress that the company immediately concerned wants Parliament to ratify this agreement, knowing full well that Parliament has the power, subsequently, to abrogate it. If companies initially exhibit sufficient confidence by asking Parliament to ratify agreements, surely they should have sufficient confidence in Parliament to know it will endorse any regulations which may subsequently be made in accordance with the original agreement.

To me it is absolute eyewash for anyone, in any circumstances, to say that Parliament should not be entrusted with such a power. As I mentioned earlier, I believe this is a means of denigrating the authority of Parliament, and we should not contribute to it.

As we all know, we have odd types of people in our community these days—people who wear flowers, and who act in

a peculiar way. We call them hippies, and we regard them as being pretty sick. I would, however, go so far as to say that if members here are prepared to make concessions on issues of this kind, they are far more sick than the hippies I have mentioned.

The history of the Parliaments of the world goes back many hundreds of years—it goes back nearly 700 years. In those 700 years we have endeavoured to evolve the institution of Parliament as we know it today. It is an institution that we should treasure, bearing in mind that people have lost their lives and liberties, and have suffered considerably in their endeavours to protect it. In spite of that, we seemingly have so little regard for the institution of Parliament that we are prepared to delegate its authority to someone else; we are prepared to say that Parliament will be given no opportunity to disallow or amend certain regulations, notwithstanding the fact that Parliament has the power to alter the provisions of any Act it passes.

This is a terribly serious matter. My remarks are not directed against the Minister who introduced the Bill—I have the highest regard for him in many respects—but I do not believe we should, in a democracy, place any Minister in such an exalted position as to be above Parliament. That is what we seek to do in legislating along these lines. We are virtually delegating the powers to the Minister—not necessarily to the present Minister—to reach agreement with the company in respect of certain regulations, in the full knowledge that they will be subsequently approved by the Governor, and that Parliament can do nothing about them.

That is a most invidious position in which to place either a Minister or a company—that a company should feel it has to deal with one individual who holds infinitely more power than Parliament. That is what we are seeking to do.

As the member for Pilbara mentioned, South Australia thought so strongly of maintaining the supremacy of Parliament in regard to subordinate legislation that, in 1930, it set up a committee to devise ways and means to put this into effect—the committee was to consider subordinate legislation in that State and make recommendations to Parliament. It subsequently recommended that a standing committee be set up to keep an eye on subordinate legislation. That committee has worked very effectively. I mention this fact only to indicate the great concern that is felt in most quarters in regard to this issue. In our State, however, we are delegating authority in the manner I have suggested.

The member for Pilbara said, in effect, that it may be necessary to place such a provision in an agreement; and the Minister who introduced the Bill told us the other night that it was vital this should be done, because many of these companies would not establish industries here if such clauses were not contained in this type of legislation. I think he convinced most members that this was possibly so.

Mr. W. Hegney: Not on this side of the House.

Mr. GRAYDEN: The member for Pilbara said something which apparently indicated he would certainly listen to any explanation that was given, and it is possible that he might be convinced. That is the impression I gained from his remarks; though he may not have said this in so many words.

I have looked through some of the agreements introduced in other States, and I find that we in Western Australia are out of tune and out of step with the thinking of those States. In the first instance I would refer to the Broken Hill Pty. agreement which was introduced in South Australia in 1937—the exact title is Broken Hill Proprietary Company's Indenture Act, 1937—to set up a blast furnace in that State. We all know the magnitude of the industry at Whyalla in South Australia; we all know how important that industry is to Australia. But when we look through the Act we find there is nothing which removes that industry from the provisions of the Interpretation Act.

South Australia has an Interpretation Act which is similar to ours; in fact the provisions in our Act relating to regulations appear to have been taken from the South Australian Statute, because they read alike. I have checked the wording of the two Statutes, and members may take my word for it that the wording is virtually the same, indicating that the regulations must be laid on the Table of the House; that members have a right to disallow them; and that they may subsequently be amended by both Houses of Parliament.

When the South Australian Government entered into this huge agreement for the establishment of a blast furnace in that State, it did not find it necessary to provide that the regulations made by the company could not be amended or objected to by Parliament. That was not done in South Australia; and, in spite of that, the great blast furnace was established and still operates at Whyalla.

I have not gone to a great deal of trouble to study the Acts of the other States, but I did find an interesting agreement contained in the Queensland Statutes. In Queensland the Government introduced an Act in respect of bauxite, and the exact title of the Act is Alcan Queensland Pty. Limited Agreement Act.

It is interesting to note that Queensland apparently does not have an Interpretation Act, but it includes provisions

similar to our Interpretation Act in its agreements. The Act to which I have referred was to set up a huge bauxite industry in Cape York Peninsula, Queensland. That agreement was not entered into lightly by the Queensland Government. That Government did not do what we are seeking to do; it did not include in its agreement the objectionable clause to which I have referred. I would ask members to listen to the provisions on page 9 of the Queensland Statute of 1965. In section 5 of the Alcan Queensland Pty. Limited Agreement Act we find the following:—

> Proclamations and Orders in Council. (1) Any Proclamation or Order in Council provided for in this Act or in the Agreement may be made by the Governor in Council and, in addition, the Governor in Council may from time to time make all such Proclamations and Orders in Council not inconsistent with the Agreement as he shall think necessary or expedient to provide for, enable, and regulate the carrying out of the provisions of the Agreement or any of them.

It continues—

> (3) Every such Proclamation or Order in Council shall be published in the Gazette and such publication shall be conclusive evidence of the matters contained therein and shall be judicially noticed.
>
> (4) Every such Proclamation or Order in Council shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is sitting for the despatch of business; or, if not, then within fourteen days after Parliament next commences to so sit.
>
> If the Legislative Assembly passes a resolution disallowing any such Proclamation or Order in Council, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation or Order in Council has been laid before it, such Proclamation or Order in Council shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

So we find in this great bauxite agreement, which is very similar to some of our agreements, the Queensland Government goes out of its way to permit the company, through the Governor, to make by-laws; but it also provides that every Standing Order, or Order-in-Council, must be gazetted and laid on the Table of the House, after which it can be disallowed or subsequently amended. In spite of that we find this huge company was not deterred by the provision which the Queensland Government wrote into its legislation.

Under these circumstances, how can we say such a provision would deter these mining companies from coming to Western Australia to develop our natural resources? That is only one agreement. I looked at another Queensland agreement in respect of the mining of coal, it being an agreement with the Thiess Peabody Mitsui Coal Pty. Ltd.

Again, this is a huge undertaking. Originally the company was going to mine coal and rail it 115 miles. Therefore, it decided to construct 115 miles of railway line. However, the Government subsequently felt it would be a better proposition if the Government of Queensland constructed the railway line, so making a slightly broader gauge which would provide a link with its own railway system, and putting the Government in a position to impose freight charges on the company. The Government of Queensland thought that would be the better way of doing it, so it introduced this agreement; but there is no provision that on the recommendation of the company the Governor shall be able to make by-laws. As in the previous agreement, provision is made for regulations to be laid on the Table of the House and any member has the right to move to disallow them. The agreement stresses that these regulations must go through the procedure which is virtually laid down in our Interpretation Act.

These are huge agreements entered into relatively recently; and, I repeat, they involve overseas capital. These companies were not deterred by having to conform with the laws of Queensland. In these circumstances, I cannot help but feel it is nothing but nonsense to say the situation should be different in Western Australia. We are selling our State short if we give overseas people the impression that this Parliament is not to be trusted —and that is precisely what we are doing. The same company could go to Queensland and find the Government of that State has confidence in Parliament and the parliamentary institution, and the Parliament, having ratified agreements, can be trusted to deal in the proper way with any regulations which might be introduced in support of those agreements.

Virtually every person in Western Australia who engages in private enterprise has an agreement with the State Government. Let us take a pastoralist in a remote area. When he takes up an area of Crown land which was hitherto not used, he does not go to the State Government in order to have a separate agreement written, he already has one by virtue of the Land Act and other Acts.

There are already Acts in operation which are satisfactory so far as the agreement is concerned; but he is doing precisely what these companies with which we are now dealing are doing—he is entering into an agreement by virtue of exist-

ing Acts. However, we do not find it necessary to give him power so that he can, on his own recommendation, get the Government to introduce regulations to assist him. We do not give him the right to introduce regulations in order to prevent people from speeding along roads passing through his property; and we do not give him the right to prosecute people who shoot on his property, or who trespass. We do not give him power to make regulations along these lines. So why should we single out some of these companies that have in recent years been setting out to develop the natural resources of Western Australia?

I now refer to a portion of the platform of the Liberal Party in respect of subordinate legislation.

Mr. W. Hegney: Read it slowly.

Mr. GRAYDEN: It reads as follows:—

> To legislate by Act of Parliament and not by regulation or decree.

That is something to which all Liberal Party members must subscribe. I ask you, Mr. Speaker: If it is repugnant for members of the Liberal Party to legislate by regulation—and it would seem so by reading our Constitution—how much more repugnant is it that we should prevent Parliament under any circumstances from disallowing or amending subordinate legislation? Somewhere along the line I would like someone to answer that question.

Dr. Henn: Rules are made to be broken.

Mr. GRAYDEN: In certain circumstances rules should be broken, but I do not believe this is one of them. Sooner or later—and the sooner the better as far as I am concerned—we should assert our rights and get back to the principle of the supremacy of Parliament in respect of subordinate legislation.

I now wish to deal briefly with the variation clause. Again, I see in this Bill a clause which enables the provisions of the agreement to be varied at will. Why bring legislation before Parliament containing a provision that the legislation can be altered in any shape or form without those alterations having to be ratified by Parliament?

I refer again to the Broken Hill Proprietary Company's Indenture Act which was passed by the South Australian Parliament. This Act provided for the setting up of the blast furnace at Whyalla. I looked through this Act but I could not find a variation clause. If in the setting up of this huge undertaking it was not necessary to have a variation clause, why is it necessary in the measure before us? Undoubtedly the South Australian Government of the day recognised that any subsequent South Australian Parliament would realise that the company was doing something of tremendous consequence for South Australia and Australia and it would be unthinkable that any future Parliament would not ratify any desirable alterations which the company might want to make to the agreement. Broken Hill Proprietary Limited is a steel manufacturing colossus, but top lawyers did not consider it necessary to write a variation clause into the agreement.

Returning to The Alcan Queensland Pty. Limited Agreement Act, I find it contains a variation clause, but it is stressed that any variation will be subsequently ratified by Parliament. I will read the variation clause in the agreement which provided for the launching of a huge bauxite industry in Cape York Peninsula. It reads as follows:—

> The Agreement may be varied pursuant to agreement between the Minister for the time being administering this Act and the Company with the approval of the Governor in Council by Order in Council and no provision of the Agreement shall be varied nor the powers and rights of the Company under the Agreement be derogated from except in such manner.
>
> Any purported alteration of the Agreement not made and approved in such manner shall be void and of no legal effect whatsoever.
>
> Unless and until the Legislative Assembly, pursuant to subsection (4) of section five of this Act, disallows by resolution an Order in Council approving a variation of the Agreement made in such manner, the provisions of the Agreement making such variation shall have the force of law as though such lastmentioned Agreement were an enactment of this Act.

Subsection (4) of section 5 reads as follows:—

> Every such Proclamation or Order in Council shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is sitting for the despatch of business; or, if not, then within fourteen days after Parliament next commences to sit.
>
> If the Legislative Assembly passes a resolution disallowing any such Proclamation or Order in Council, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation or Order in Council has been laid before it, such Proclamation or Order in Council shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

The same conditions apply to the second agreement relating to coal, about which I spoke earlier.

In this agreement there is a variation clause, but any variation must subsequently be ratified by Parliament. If it is necessary for variations to be ratified by the Parliaments in the other States, then that should be the position in Western

Australia. I do not believe in what we are doing and I cannot go along with it. It is most undesirable that a power of this kind should be in the hands of any Minister.

I hasten to say that I am not criticising the Minister who has done so much in regard to the development of Western Australia. With all of his activities, I do not think the Minister has a great deal of time to study some of the aspects of the legislation he brings to Parliament; and I think this is a case in point. I do not think the Minister has given to it the consideration which a measure of this kind deserves. The Minister might have tremendous confidence in himself and in his Government, but that is not the point at all. In the future there may be a change of Government—not necessarily as a result of the next election—and that Government will look back on this sort of thing and see that we have put the Minister in a most exalted position, far above Parliament.

We are saying to a future Government that when dealing with big companies it can make virtually any sort of agreement it likes. Once the agreement is ratified by Parliament, any alterations will be approved by Cabinet and they will not have to come back to Parliament for ratification as they do in Queensland. The Acts of Queensland are relatively recent, being introduced in 1965; and they concern huge undertakings comparable with those of the companies that have entered into agreements in this State. Yet that Government required that any variations made to the agreements should be subsequently ratified by Parliament. Therefore I want to express my deep concern that we should accept so lightly two clauses which deviate from important principles.

As I mentioned when I rose to speak, I will support the Bill notwithstanding the fact that I am disappointed with some of the clauses it contains. Despite my feelings towards the principles which have been thrown aside in order that the clauses might be included in the Bill, I will support it. It would not necessarily be a national calamity if the provision with which I have been dealing should not go into other legislation.

However, I sincerely hope the Minister will give this matter a tremendous amount of consideration and if possible—rather, not "if possible" because, of course, it is possible—he will change his views in respect of clauses of this kind. If the Government really wants to clarify the position, it should submit these two principles to the Law Society and ask for a recommendation to be made to Parliament, although the Law Society of Western Australia may not be the most adequate body; there may be other bodies in this world more fitted to adjudicate on a matter of this kind. I am suggesting that if the Government is not convinced—or the liberal section of the Government—that it is doing something contrary to the Liberal platform in introducing clauses of this kind, and it cannot see anything wrong with this sort of thing, then the matter should be submitted to some competent authority who would, perhaps, point out the error of the Government's way.

This is not intended to be a critical speech, Mr. Speaker. These are matters on which I feel keenly; and I did not want to cast a silent vote without expressing the concern which I feel.

MR. TONKIN (Melville—Leader of the Opposition) [5.47 p.m.]: It is only on rare occasions that we have the opportunity of hearing someone from the opposite side of the House argue on a matter of principle. Usually, members on the other side of the House argue for some interest. However, when we do hear such an argument on a matter of principle it is quite refreshing.

Mr. Jamieson: Hear, hear!

Mr. TONKIN: In this matter there is, indeed, a principle at stake and it goes far deeper than many members have so far appreciated. In my view, to bring a Bill of this kind before Parliament is an affront to Parliament. We could spend hours giving consideration to the various provisions in the Bill, and it could be completely altered subsequently. If I understand the situation correctly, alterations could even be made in regard to the royalties to be paid, the lease rents, and down to the merest detail. Under the variation clause of this Bill, the agreement which we are now considering can be changed out of all recognition. Is that common sense? Surely, when we debate an agreement in the House we should be reasonably certain it will be the agreement that will operate. We should not accept a situation where it might be completely changed so that we would not be able to recognise it. Now I would like members to listen to the following from the variation clause:—

> 15. (1) The parties hereto may from time to time by mutual agreement in writing add to cancel or vary all or any of the provisions of this Agreement or of any lease license easement of right granted hereunder or pursuant hereto—

Why should they be allowed to do that? To continue—

> —for the purpose of implementing or facilitating the carrying out of such provisions or for the purpose of facilitating the carrying out of some separate part or parts of the Joint Venturers' operations hereunder by an associated company as a separate and distinct operation or for the establishment or development of any industry making use of the

minerals within the mineral lease or such of the Joint Venturers' works installations services or facilities the subject of this Agreement as shall have been provided by the Joint Venturers in the course of work done hereunder.

In my reading of the clause, that means everything. The parties may add to; they may cancel; or they may vary any or all of the provisions of this agreement. Why should we waste time considering the specific provisions of this agreement if, when it leaves here, it can be changed in every particular by mutual agreement between the Government and the company? Why not do it without reference to Parliament at all, initially, because such reference does not mean anything. This provision in the Bill renders the operation, in my opinion, a complete farce.

If we go to the provision regarding the by-laws, the position is even more serious. Initially, the company requests a by-law to be made. If the Government does not agree, the matter will go to arbitration. One person will then determine something which is to become the law against the wishes of the Government. Having become law, Parliament has lost the right to change or disallow the by-law; and, Mr. Speaker, this is in a democratic country where Parliament is supposed to be supreme.

It would be bad enough if the by-law were made with the Government's complete concurrence in the first place, and Parliament were not allowed to disallow it if it were unfair; but it is even worse than that, because if the company asks to have a by-law made and the Government does not think it ought to be made, then it is a matter in dispute and goes to an arbitrator. If the arbitrator then says, "Yes, I agree this by-law is reasonable," then it will be made; and, having been made, neither the Government nor Parliament can disallow it.

Let us give thought, for a short time, to the principles behind law making. In a democratic country we say Parliament is the place to make the laws and Parliament shall, at all times, be in control of the law. But because it would be difficult to provide in an Act of Parliament for all the contingencies which may arise, provision is made for by-laws to be promulgated, but that provision is made in the knowledge that Parliament is still in control of these by-laws, and if the by-laws are made in such a way that Parliament is dissatisfied with them then Parliament can, by resolution, have them disallowed.

Now, this Government, for some reason or other, wants to take away from Parliament that right and put it in the hands of a single person, in some instances—an arbitrator. Are we, in this country, going to allow an arbitrator to make laws that we cannot disallow? That is what this legislation purports to do. So long as that proposition comes before this House, I will express my opposition to it. I am not prepared to see Parliament abdicate in favour of an arbitrator. The right to make laws in a democratic country is vested in the Parliament, and by-laws are laws and have the same force as a law passed by Parliament.

Let us give some consideration to the provision for by-laws in this Bill. The provision reads as follows:—

> (3) The Governor in Executive Council may upon recommendations by the Joint Venturers make alter and repeal by-laws for the purpose of enabling the Joint Venturers to fulfil their obligations under paragraphs (a) (b) and (f) of subclause (2).

It is as well to have a look at these particular paragraphs so that we can see the things for which these by-laws are being made, because they affect the rights of individuals other than the company. Paragraph (a) of subclause (2) provides—

> (2) Throughout the continuance of this Agreement the Joint Venturers shall—
>
> (a) operate their railway in a safe and proper manner and where and to the extent that they can do so without unduly prejudicing or interfering with their operations hereunder allow crossing places for roads stock and other railways and also transport the passengers and carry the freight of the State and of third parties on the railway subject to and in accordance with by-laws.

These by-laws may be made upon the decision of an arbitrator and against the wish of the Government, and Parliament will have no right to disallow them. Let us have a look at paragraph (b) which is as follows:—

> (b) except to the extent that the Joint Venturers' proposals as finally approved or determined under clause 6 hereof otherwise provide allow the public to use free of charge any roads (to the extent that it is reasonable and practicable so to do) constructed or upgraded under this clause PROVIDED THAT such use shall not unduly prejudice or interfere with the Joint Venturers' operations hereunder.

By-laws may be made with regard to that point. The Government may object to some of the proposed by-laws, in which case the matter will go to an arbitrator. If the arbitrator decides it is reasonable

that the by-law shall be made, then despite the opposition of the Government the proposal will become law and Parliament will have no opportunity to disallow it. We now come to paragraph (f), which reads—

> (f) subject to and in accordance with by-laws (which shall include provision for reasonable charges) from time to time to be made and altered as provided in sub-clause (3) of this clause and subject thereto or if no such by-laws are made or in force then upon reasonable terms and at reasonable charges . . .

As a result, this company will have power to make by-laws as regards the charges it will levy on citizens of this State for the use of certain of the company's roads and appurtenances.

When the request comes forward the Government may consider the by-law is unreasonable and, if the company insists, the matter will go to arbitration. In that case a single individual in this State will make the law, and it will operate the same as if it had been passed by Parliament. But Parliament will have had taken from it the right to disallow such a by-law.

I commend the member for South Perth for the speech he made on these provisions in the Bill. They should be repugnant to every member in the House, including the Minister. How on earth these provisions ever got beyond Cabinet I do not know! There is absolutely no necessity for them.

Mr. Hawke: What we want to know is how they ever got to Cabinet.

Mr. TONKIN: This procedure is putting the clock back years and years. I venture to suggest if anyone in the street asked a member on the other side of the House if he were prepared to allow a single individual in Western Australia to make the laws, and take away from Parliament the right to have them disallowed, he would laugh outright in that person's face. But that is precisely what is intended by this legislation. That could be the effect of it if all the clauses are taken together.

In the event, in the first instance, of the Government's agreeing with the company that a by-law is all right, it will continue to operate for a time. Obviously the Government contemplates that there could be altered circumstances which would make it desirable that such a by-law should no longer continue to operate; but by the provisions of this Bill Parliament will have lost the right to disallow it.

What power has the Government in such circumstances? According to the Bill the Government can request the company to agree to the cancellation of a by-law; but if the company refuses, the question has to go to arbitration, even though the Government of the country may be convinced that the by-law to which it agreed in the first instance should no longer operate. The Government can do nothing to stop it from operating. The matter has to go to an arbitrator, and if the arbitrator does not see it in the way the Government does, the by-law stands and we have a situation where a by-law is operating as the law of the country even though it is against the wishes of the Government, and possibly against the wishes of Parliament also. Nothing can be done about it.

What a preposterous situation for a democratic country! Surely we are going to do something about this here and now! We have had Bill after Bill coming before us and containing the provision to which I have referred; and one would have thought, by this time, the Government would have come to its senses and realised just what it is doing. But apparently not.

I do not accept for one minute the argument that has been advanced here—that these companies would not establish themselves in this State if they could not get provisions of this kind in the legislation. That is kindergarten stuff. Look at the contracts which are being written for the sale of iron ore, and the millions of dollars being made by those engaged. Would you, Mr. Speaker, believe that those companies would not do anything in connection with the establishment of these industries if they could not get a provision which gave them the right to make by-laws without Parliament having a say, inserted in the agreements covering those companies? That is absolute nonsense.

So I suggest, even at this late hour, the Government should go back to the company and say, "Parliament will not approve of this and we are going to take it out of the Bill." If the Government is prepared to take that stand, can anyone imagine the companies will fold up and say they are not going to carry on? This is the time for us to make a stand on the matter. If we do not do so then we are saying to the Government, "We will accept this type of legislation and you can bring more of these Bills forward and we will go through the motions of considering the provisions knowing full well that what we do amounts to naught. The agreement can be taken away and completely altered at the whim of the Government or the company."

With regard to the by-law making powers which will affect the rights of the individual, the Government is prepared to hand them over to an arbitrator. I do not know, Mr. Speaker, whether you realise the gravity of the situation—that in a democratic country we have a Bill before Parliament which provides that a

single individual can make laws which the Legislative Assembly or the Legislative Council cannot disallow. Surely the very thought of it must worry members. The very idea that the Government should come to Parliament and ask it completely to abdicate in favour of an arbitrator, whose decision shall have the force of law, is completely wrong. No wonder years ago it was written into the Interpretation Act that despite the provisions of any other Act, Parliament should still have the right to disallow.

However, the Government seeks to overcome it, so far as this legislation is concerned, by taking that provision out of the Interpretation Act so that it cannot apply. Do you think, Mr. Speaker, that when the Interpretation Act was under discussion in Parliament, and the provision that despite the provisions of any other law by-laws could be disallowed by Parliament was deliberately put into the Act, it was done lightly? Was it ever contemplated that one day a Government would nullify that provision by saying, in effect, "Despite what you have said about the provisions of any other law not overriding this section of the Interpretation Act we will put in a special provision to provide that the Interpretation Act shall not apply"?

I venture to say if any member in the Parliament at that time had had the temerity to stand up and make such a suggestion he would have been laughed to scorn. But here is that provision before us at this very moment—that, regardless of the Interpretation Act and the fundamental principle of democracy that Parliament shall always be in control of the laws, we will pass a provision which will allow an arbitrator to make laws which Parliament cannot alter. If members agree to that they will agree to anything. I hope there are more members like the member for South Perth who had the moral courage to stand up for a principle—and that is what this is; a fundamental principle of democratic Government.

No wonder one is hearing from one end of the State to the other about this Government which has become overbearing and dictatorial! No wonder, when we have this sort of thing being brought before Parliament, and the power of Parliament being set at naught. That is precisely what is happening at this particular time. I would hope that not one of us would want to see this state of affairs continued. I would hope we would all want to encourage people who are anxious to develop; but I do not accept for a moment the proposition that such people will not go ahead unless they are given the power to circumvent the rights of Parliament. I do not think the companies themselves would ask for it; someone must have suggested it to them. The sooner we put our foot down on this sort of thing the better, and this is our opportunity to do that.

MR. W. HEGNEY (Mt. Hawthorn) [6.13 p.m.]: I object to some of the provisions in the agreement and, in passing, I would like to congratulate the new members for Roe and Mt. Marshall on their election. I hope they will enjoy all sessions of Parliament.

It is unfortunate that these two new members were sworn in and took their seats on a day when an agreement which contains provisions which abrogate the rights of Parliament is being debated. We have protested against similar provisions on previous occasions and, as far as I am concerned, while I am still a member of Parliament, I shall continue to protest, without apology, against the dictatorial and undemocratic provisions which are contained in agreements of this nature.

On a number of occasions the Minister has endeavoured unsuccessfully to deride members on this side of the House who had pointed out to him, and to the Government, where we considered it was wrong that we should be asked to agree to certain provisions in these agreements. One of these provisions relates to the power to make by-laws and the prevention of Parliament from considering any by-laws made, and the prevention of members from seeking the disallowance of those by-laws if they are thought to be unfair.

While the agreement will go through, and we do not propose to oppose it, some of the clauses are reprehensible to me, and, I would suggest, to all members on this side of the House. Apparently they are reprehensible to the member for South Perth; and I am sure, if some of the other private members on the Government side were to speak, they would voice their strong objection to the whittling away of the rights of Parliament.

Sittings suspended from 6.15 to 7.30 p.m.

Mr. W. HEGNEY: The main points in the agreement to which I object are important enough to bear repetition. They are: the power to make by-laws which conflict with the Interpretation Act; the power to vary the agreement; and the reference to the functions of the arbitrator. It is not my intention to traverse all of the ground which was so ably covered by the member for Pilbara, the Leader of the Opposition, and the member for South Perth, but I do want to put things right so far as the Minister for Industrial Development is concerned. The other evening when speaking to a similar measure he endeavoured to put up an argument in support of a weak case. In my opinion he failed miserably. He resorted to subtle tactics to try to convince members that the provisions of that agreement were necessary to enable the company concerned to operate in this State. I refer to the Nimingarra agreement. The provisions in the agreement now before us are identical with those appearing in that one.

I spoke during the third reading debate on the Nimingarra agreement, and in his reply the Minister for Industrial Development said—

> In reply to the two members—

He was referring to the member for Pilbara and the member for Mt. Hawthorn—

> —who have spoken on the question of clause 6 of the Bill, I can only repeat the arguments put forward previously. If those members, and the Opposition, feel so strongly about this matter, the course is open to them to oppose the agreement. I repeat: Without this provision we would not have the agreement or the industry. A lot of emotional nonsense is being stirred up about this, and I am amazed that the Opposition members persist with it because they have to make up their minds whether they want these great industries or whether they do not.

That is an entirely false statement. We objected, and we continue to object, most vigorously to the provisions in the agreement which abrogate the Interpretation Act. I asked the Minister for Industrial Development whether he considers the statements made by the member for South Perth the other evening—and that honourable member repeated the statements in this debate just before tea—were statements based on sentimental nonsense. Of course they were not.

I say in all sincerity that the member for South Perth is very concerned that the rights of Parliament are being whittled away, as indeed they are by some of the provisions in the agreement before us. The Minister for Industrial Development went on to say—

> The by-laws, which are logical in the circumstances, relate to operations when these projects settle down; and, when made, they will be tabled in Parliament.

Of course they will be under the terms of the agreement. I repeat, and I defy contradiction, that when they are made Parliament will not be able to do anything about the matter. Members of Parliament will not have the right which they have under the Interpretation Act to move to disallow by-laws if they consider the by-laws to be unreasonable, unjust, or impracticable. The Minister stated further—

> The member for Pilbara said that members will not be able to do anything about the by-laws. Of course they will. There is plenty of opportunity in this place by way of questions, the Address-in-Reply motion, and in speaking on the Estimates. No Government of any colour would sit idly by if it inadvertently agreed to a by-law which introduced a serious anomaly. So members of Parliament are not impotent.

I disagree entirely with that statement. I suggest the Minister for Industrial Development made those remarks in an attempt to convince members that the agreement was in a correct form, and that the fundamental principle of democracy was not being sidestepped.

I do not propose to refer to the whole of the agreement, but the provision on the second page states that by-laws may be made. The wording of the Interpretation Act is used, and the provision states that such by-laws will be tabled in Parliament. I ask members on either side of the House what power will Parliament have, if members protest against a particular by-law when they speak in the debate on the Annual Estimates? They will have no power to move for the disallowance of that by-law. Neither will they have the power to do so during the debate on the Address-in-Reply.

If a member moves to disallow a by-law during the Address-in-Reply debate, I am sure that your attention, Mr. Speaker, will be drawn by the Minister to a point of order; and you will have to rule that the motion is out of order. This particular provision in the agreement is a stab at the fundamental principle of democracy.

Let us consider the functions of the arbitrator. There is provision in the agreement for the appointment of an arbitrator under certain circumstances. I say without fear of contradiction that in certain cases his power will supersede the authority of Parliament; and, if anybody can tell me that this is democracy, then I do not know the meaning of the term.

Ever since the Parliament of Western Australia was established—it is more than 50 years—the Interpretation Act has appeared on the Statute book. Its express purpose is to ensure that Governments, irrespective of their political colour, will present subsidiary legislation for the consideration of Parliament, for the reason that members of Parliament do not represent themselves but represent the people of the State.

If the Minister or the Government is allowed to make by-laws under any Act, and these by-laws are not subject to Parliament, then I suggest the rights of Parliament are being whittled away. In the agreement before us, and in the similar ones which preceded it, undoubtedly the authority of Parliament has been undermined.

The arbitrator will be obliged to make decisions in certain cases. If he makes a decision on a by-law, then that decision will stand. Members of Parliament will not be able to do anything about the matter; yet the Minister for Industrial Development tried to convince members that they could do a lot when speaking on the Annual Estimates and on the Address-in-Reply, and by asking questions.

If members did that, what would happen? I suggest, nothing.

In another breath the Minister for Industrial Development said that if Parliament did not agree to the provisions in the agreement, the company concerned would not operate in this State. It is too silly a statement for us to consider. I do not believe that this, or any other company, would be disinclined to come to Western Australia if it was required to abide by the laws of this State. A company would not be disinclined to come here if its by-laws were to be subject to the scrutiny and the consideration of the representatives of the electors. Does anyone suggest that companies with millions of dollars behind them would hesitate to come to Western Australia if they were required to submit their by-laws to Parliament in accordance with the terms of the Interpretation Act?

Under the agreement contained in the Bill, by-laws will be made in respect of the construction of roads, wharves, and railways; and in respect of their uses. The Minister said the company would have to pay for those facilities. Of course it would, because those facilities form part of its project. It would not undertake the construction of those items if it was not assured it would eventually make profits. Nobody would quarrel with that aspect.

The by-laws which the company will make will affect the people of this State, including the citizens of the North-West. We are the representatives of the people, yet we are to have no say. Are the people not entitled to certain rights? What right has the Government or the Minister to ask Parliament to agree to an agreement of this nature, when members will not be able to do anything with regard to subsidiary legislation which is adopted from time to time as circumstances arise?

I now turn to the question of variation of the agreement. The Leader of the Opposition and the member for South Perth very ably and concisely pointed out that when the Bill becomes law, the parties to the agreement—the Government and the company—will be able to vary, alter, or amend the provisions willy-nilly. The Minister said it might be necessary to alter the provisions from time to time, and that it was necessary to have certain provisions written into the agreement.

The Minister finds it necessary to submit this agreement to Parliament for its approval. No-one is against the agreement in principle. After the agreement is ratified the Government, as a party thereto, will, in conjunction with the company, be entitled to alter it as it thinks fit. What happens then? Will the alterations be minor or substantial? Will the alterations be submitted by the Government to Parliament? Of course not!

I might be illogical at times, but I think I am logical in saying that if such a position arose—as undoubtedly it will—then the submission of the particular agreement to Parliament would be an absolute farce and an absolute insult to members. How could a thing like this happen in the year 1967? An agreement has been arrived at, the Government now submits it to Parliament for ratification, and undoubtedly it will be ratified. After that the agreement will be implemented. After a period of time it might be necessary to make substantial alterations, as the Leader of the Opposition pointed out, but nothing will come before Parliament again.

The agreement could be substantially or radically altered in a number of cases. The Minister says that the provision has been included to facilitate the working of the project. That may be so, but it could be otherwise; and I say again that I am amazed and astounded that members of the Cabinet and private members on the other side—if this agreement was submitted to them—could have agreed to these provisions. Even at this late stage the Government would be well advised to agree to substantial amendments so that the Bill will be in line with present-day thinking. In his final remarks the Minister said—

> I think ours is by far the better system. If the honourable member rejects our system—and I understand from what he said the other day that he does not like the Tasmanian idea—

He was referring to the member for Pilbara. To conclude—

> the only thing for him to do is to come out and say publicly that he opposes this agreement.

I say that is an insult to members on this side of the House, and to the member for South Perth. If I am a judge of human nature, I would say there would be a few others on the other side of the House who would be insulted by that remark.

We are not against the provisions of the agreement in principle, and it is no use the Minister trying to sidestep the issue merely because we have the temerity to disagree with some of the provisions for which he has been responsible. We disagree, and continue to disagree, most vehemently with the provisions to which I have made reference.

The other insult the Minister offered was when he said that if we do not agree with certain provisions, we do not want the company to operate here at all. The Minister has made no secret of the fact that he is most suspicious and does not trust any future Government in connection with these agreements. As far as I am concerned, as a representative of a section of the people, I take that as a direct insult. I believe that previous and future Parliaments have adopted and will adopt a spirit of responsibility, and I be-

lieve future Governments will face up to their responsibilities and their obligations as the circumstances arise.

I do not know whether any member on the Government side, apart from the member for South Perth, will express his view; but, as I said the other day, I would like the member for Perth, the member for Canning, and some of the other backbenchers to express their views as to whether or not this is a stab at our democratic principles. I am sure if some of those members spoke the truth they would suggest to the Minister and the Government that certain amendments be effected without delay.

MR. DURACK (Perth) [7.49 p.m.]: The member for Mt. Hawthorn may be surprised that I am prepared to take up his challenge on the subject, but I do so because I listened with some interest and growing impatience to the remarks by the Leader of the Opposition and other members opposite on similar provisions in a Bill somewhat the same, a week or so ago. I heard the same argument again this evening, and those also mentioned by my colleague, the member for South Perth.

These arguments have been based on the claim that a great matter of principle is involved in connection with this particular clause in the Bill before the House. It has been said that this amounts to an abrogation of the rights of this Parliament—a sellout of the democratic rights of those here who are representatives of the people. Indeed, a great amount of feeling is apparently held by certain members on this particular subject, but I must confess it seemed to me that a number of these protests had a somewhat hollow ring.

It was said that if we pass the Bill in this particular form, Parliament is going to have no say in this matter whatever, and that claim is based upon the fact that clause 6 of the Bill proposes to make certain changes in regard to the disallowance of by-laws which may be made pursuant to this agreement.

The mere fact that changes are made in the method of dealing with by-laws does not in any way mean that Parliament has lost any of its sovereignty or rights. We are simply making a change in the way in which by-laws are to be disallowed under another Act which this Parliament has passed; namely, the Interpretation Act. However, as far as the sovereign rights of this Parliament are concerned, they are still as full and as ample as they ever have been and as they ever will be unless there is a change in the Constitution of this State. This Bill makes no changes whatever in the Constitution of the State. The Interpretation Act is not an Act relating to the constitutional instruments of the State.

Let me give an explanation; and I am sure the Leader of the Opposition fully understands this and has done so all along, and that is why I say his protests are of a hollow character. Let us assume that a by-law is passed under this Bill and laid upon the Table of the House. It has been said that by-law cannot, under the Interpretation Act, be disallowed, and it has been said that therefore we have lost some vital and precious fundamental right as a Parliament. It has been said that the Minister has stated we can do this or that. I do not think for one moment the power of this Parliament is confined to what the Minister has said on another Bill; and I am pretty certain the members opposite realise their powers are not confined to that limitation.

If a by-law is passed and laid on the Table of this House and it is objected to, there is nothing to stop any member of the House submitting a Bill to declare that by-law null and void, and that Bill can be passed through this Chamber and another place, the same as any other Bill can be submitted and passed in connection with any other subject, whether that subject has been dealt with by a judge, an arbitrator, a Minister, or even this Parliament during a previous session.

Mr. Graham: You seem to be demolishing all the Minister's arguments.

Mr. DURACK: Parliament has not changed, and it has ample power to pass laws to nullify any agreements, by-laws, or anything else; and I am certain the Leader of the Opposition and the member for Mt. Hawthorn are aware of this fact. Therefore the powers of this Parliament are in no way affected by this particular Bill, which simply alters the method of disallowance of a by-law.

That method of disallowance is laid down in the Interpretation Act, which is merely another Act of this Parliament, and it can be amended or changed at any time. So, as I have said, it is completely a hollow, and a reckless exaggeration to say that the powers of this Parliament are abrogated in any way by the clause in this Bill.

Mr. Hall: What about the five or six months we are not in session?

Mr. DURACK: The other clause which has been challenged deals with the power of variation. This must be read very carefully in the light of the limitations which are placed upon it. The Leader of the Opposition has read the clause, so I do not propose to read it again. I would simply refer the House to the words in the clause which limit the power of variation for the purpose of implementing or facilitating the carrying out of the agreement. Therefore any such power of variation has got to be related to the purpose of facilitating or implementing the agreement.

I confidently suggest that any solicitor acting for the company would be very careful indeed before he advised his client to rely on a substantial variation which

was not approved by this Parliament. But in any event if such a variation were made in this agreement, the power of Parliament still remains to pass an Act which would render it null and void. A motion could be passed to turn out the Government which agreed to such a variation, if Parliament thought the Government was lacking in responsibility to such an extent that it made a variation of a kind which was displeasing to the members of the House.

Therefore, for the reasons I have endeavoured to give, neither of these clauses is in any way an abrogation of our powers as a Parliament. Our sovereign powers are as full and as ample as they ever have been, and as they ever will be in the future in relation to this agreement.

The Minister said in a previous debate, and I am sure he would say it again in connection with this one, that these particular provisions are regarded by the companies as a condition to their entering into an agreement at all. The agreement has been entered into by the Government with the company, and it includes the provisions in the Bill and the agreement. I accept the assurance of the Minister. If I was not prepared to do so, I would not support the Bill at all, because it would be tantamount to saying the Minister is trying to perpetrate some fraud on this House.

We have been hearing a lot about principles. If members opposite do not accept the statement of the Minister, and if they have any principles and regard this as so vital, surely the only proper and honourable course for them to take is to oppose the Bill. In view of the heat and emotion which has been displayed tonight—and this heat and emotion may have been sincere, although I have suggested it may have been somewhat hollow in certain respects—and if members are sincere and feel this is a vital principle, I suggest their only honourable course is to oppose the Bill. If the measure is defeated, and they are right, then the company will come forward again and enter into a fresh agreement with the Government without these conditions in it.

I challenge members opposite to put their rejection of the Minister's statement to the test in the only honourable and possible way they can prove their case against the Minister. Let them vote against this Bill in its entirety and not try to get out of this by making some political capital by trying to have one small portion of it deleted.

Debate adjourned until a later stage of the sitting, on motion by Mr. I. W. Manning.

BULK HANDLING BILL

Second Reading

Debate resumed from the 7th September.

The SPEAKER: Order! The Deputy Premier.

MR. NALDER (Katanning—Minister for Agriculture) [8 p.m.]: I rise in connection with this Bill to thank those members who have spoken.

The SPEAKER: Order! I called the Deputy Premier because I thought he might be wanting to alter the order of the notice paper. Are there any members who wish to speak on this measure? As there are no members who wish to speak, the Deputy Premier may proceed.

Mr. NALDER: First of all, I would like to thank the member for Merredin-Yilgarn for his support of the Bill, and I also thank the other members who have spoken on it; namely, the member for Geraldton, the member for Albany, and the member for Avon. Right through the debate, members indicated they are in wholehearted support of the legislation.

As I stated in introducing the Bill, which has been supported by the members who have spoken on the measure, the history of the company—that is, Co-operative Bulk Handling Ltd.—and its activities over the years as far back as the early 1930s suggest a great deal of satisfaction has been achieved and a great deal of credit is due to the organisation for the manner in which it has carried out the legislation which was introduced in 1935. Everything that has been said in connection with this company has been said on that basis.

I have studied the speeches which have been made and there are a number of comments I would like to make. First of all, the member for Merredin-Yilgarn, and also the member for Geraldton, commented about the losses in grain brought about through different reasons over the years. Weevil has been a problem and, perhaps to a lesser extent, there has been the problem of mice. Of course this was a real problem in the days when bags were the only way of handling grain. I sought some information on this point. Although the authorities in Australia have not any accurate figure which can indicate the losses which have been brought about by the factors I have mentioned, the Food and Agricultural Organisation of the United Nations has published statements to the effect that approximately 10 per cent. of the cereals grown throughout the world are lost through weevils and other pests attacking the grain. Any loss through the system in Western Australia is very small indeed.

As I proceed I will indicate the reasons for this loss. C.B.H. stresses the importance of the type of building which it is erecting in an effort to reduce to a very small fraction the percentage of loss. The damage through rain, or weather generally, is also cut to a minimum. Of course, everyone appreciates that there are occasions when sudden thunderstorms break on various sidings and, no matter how efficient is the work of the operators at the sidings, in some instances a portion of the grain must be lost. I hasten to say that the building

programme of the company, as a result of the experience gained, is such that if this situation does eventuate, then the drainage system is designed so that the water runs away and only a very small amount of the grain is affected. I mention, too, that this would happen only on very few occasions.

It has been pointed out that even on what was termed the pigpen type of building, where grain was dumped in rather large quantities, the company very quickly roofed the area by a method which had been worked out over the years as being very effective. On the outside, instead of having guttering to convey the water away, C.B.H. would in some cases, if the ground did not have a slope, obtain supplies of what was termed "drip sheets." These sheets would cause the water to run away from the pigpens to which I have referred.

Therefore there is very little chance of damage to grain as a result of any sudden thunderstorm that might occur. Of course, the company has been very keen to reduce the losses to a minimum. It has been very happy about the record which it holds for the quality of the grain that has been shipped away from this country.

What I am about to say has been mentioned previously in the House, but there is no reason why I should not mention it again this evening. It is well known that overseas buyers who have placed orders with the Australian Wheat Board have named Western Australian wheat as their first choice. This has been so because C.B.H. has been able to maintain a very high standard in regard to keeping the grain clean and keeping it free from weevil damage, and also because it has a very uniform f.a.q. standard.

All these factors come into the picture, and I think it is as well that these things should be said, because of the great achievement this company has made in accepting the grain from the farmers. This was very clearly pointed out by the member for Avon when he mentioned the recent visitor from Canada who made some comment about the facilities which he saw here. He stated that in his opinion there was nothing to equal them in any of the other countries he had visited.

This indicates it is not something which has been happening just by chance. It is the result of a plan that has been worked out by the company; and, because of this, the achievement is very praiseworthy indeed. Therefore I say that the damage caused by weevils, by mice, or by rain is kept to a very low minimum as far as Co-operative Bulk Handling is concerned.

The member for Merredin-Yilgarn made some reference to the receival of undergrade quality grain. Under the present Act the company is obliged to receive only f.a.q. wheat; that is, fair average quality. However, under this legislation, provision is made in clause 43 to deal with grades and dockages of the various grains. The company will undertake the responsibility of accepting all grades of grain, not only wheat, but barley and oats. This clearly demonstrates the activity of the company in endeavouring to make its facilities available under any circumstances; and this action, too, is very creditable indeed.

Another important point that was made concerns the growers' right to seek arbitration against an assessment made at the siding by an officer of the company. Once again I would like to make a point so that members will appreciate the situation. A farmer brings his grain to the siding for delivery and considers it is f.a.q., but when the grain is tested at the siding by the receival officer it is found to be understandard.

The facilities of C.B.H. have been built up over the years. I believe that great credit is due to the company, because last year it endeavoured to smooth out the problem as quickly as possible. An assessor is trained, and he is in a position to be able to assess the damage to, or the grade of, the grain that is being submitted for receival. If the farmer is not satisfied, he can ask for a sample to be sent to head office, or he can ask for it to be sent to the Department of Agriculture. Under the Bill, provision is made for arbitration of the dispute, and the decision will be accepted by the farmer.

Every facility is being offered; and, indeed, it is being so laid down by this measure that there will be no need for delay or disruption in the programme of any farmer who might be faced with the delivery of undergrade grain.

The honourable member also mentioned the result of the voting which was reported with reference to the referendum that was held as to whether the farmers were in favour of including in this legislation provision for an increase of up to 2c in the toll.

I would like to make a comment first of all in connection with this. On Tuesday, the 29th August, when I introduced the Bill, I did say on page 625 of *Hansard* that the proposal had now been accepted by the Farmers' Union of W.A. I think every member of the House would know that the Farmers' Union was not happy at all about the situation and it opposed the proposal. The honourable member said that the Minister claimed the Farmers' Union has now altered its outlook and that it is quite happy with the legislation which is before us.

I want to make the point that I did not say the Farmers' Union was quite happy. What I said was that the Farmers' Union accepted the proposal. It might be a matter of words, but it is as well to have the situation quite clear.

Mr. Kelly: There has been no public announcement.

Mr. NALDER: I would like to mention this fact. Perhaps one could say the Farmers' Union would not be prepared to headline its acceptance of the ballot, and I consider the reason for this could be clearly understood. Previously the Farmers' Union was opposed to it, and perhaps it would not be prepared to advertise the fact that it had backed the wrong horse—to use an expression—and turned completely face about. However, the acceptance of the ballot by the Farmers' Union has been publicly stated by the General President of the Farmers' Union at a number of meetings which he has attended. Both the President and the senior vice president of the wheat section have stated publicly that their organisation accepts the result of the ballot that was conducted by C.B.H.

I wanted to make that point at this stage, because no doubt some of the members of the Farmers' Union are not at all happy about the situation. As the honourable member said, I believe this will only be done as a last resort, and that C.B.H. will make every effort to borrow the money it requires if it is not able to acquire sufficient from the present toll of 5c which is currently in the Act. Also I would say the fact that it is in the Act will give the Farmers' Union greater bargaining power when it is seeking any increase in the finance it might require. Although there are some sections of the farming community who are not happy about it, we must accept the situation that a vote was taken and a majority was in favour of the proposal.

I know the percentage that voted was not very high, but where a voluntary vote is taken the same situation applies time and time again.

Mr. Graham: Except in South Vietnam. Apparently they get extraordinarily high votes there.

Mr. NALDER: Perhaps they were much more interested in the proposal which applied in South Vietnam than were some of the farmers who are concerned in this case. Mr. Speaker, as a result of voting that takes place in sections of agriculture in which you have an interest, you would know that very often the percentage of voting is not very high. This happens in local authority elections, and I have been reminded that it has been the experience of the Perth City Council that in order to elect councils for the City of Perth, voting has been as low as 12 per cent. of the electors. This applies—

Mr. Graham: Mr. Swain will make a difference.

Mr. NALDER: The honourable member probably knows the people involved, but figures have indicated the interest that has been shown in the poll. The percentage has, on various occasions, been 12 per cent., 19 per cent., and 13 per cent. of those eligible to record a vote.

Mr. Kelly: Would you have had the same outlook if there had been insufficient numbers to support the proposal?

Mr. NALDER: We would have had to accept the situation. This was the democratic way to obtain an indication from the farmers. If an individual had canvassed the people who had the right to vote, no doubt a large percentage of them would have said that they had elected men to act as representatives for them on C.B.H., and if they approved they were quite prepared to accept their decision.

Mr. Kelly: You could have lost that poll, though.

Mr. NALDER: That is so; but as it happens the poll was won by 1,000 votes in what the member for Merredin-Yilgarn has termed a small poll. I feel sure the decision was made because the legislation provides for this increase of 2c to be used if necessary. The honourable member, despite his comment, said he was satisfied with the result.

Mr. Kelly: It was not made in a derogatory sense. I merely wanted to draw the attention of the House to that fact.

Mr. NALDER: I have not suggested it was made in a derogatory sense. The company's building programme was briefly referred to, and the member for Merredin-Yilgarn commented on the availability of finance. It is estimated the company will require $40,000,000 over the next three years. That is a considerable sum of money when one compares the money C.B.H. required to commence building and to assume responsibility for the acceptance of grain from farmers. More than half of the $40,000,000 will come from the company's own funds, but it is anticipated loans will have to be arranged for $12,000,000. This money will be sought from various sources; and the decision made to increase the maximum toll will assist the company in obtaining the credit it desires.

I wish to make only one further comment on the contribution to the debate made by the member for Merredin-Yilgarn; namely, it is a fact that the production of grain is rapidly increasing in Australia. The reason for this is the stability that has been achieved in the price for grain. Farmers know that if they produce the product it will be received and, in return, they will obtain a reasonable price for their labours. Western Australia is playing an important part with its contribution to this increased production, but I think this has been mentioned previously. As far as can be envisaged at present, there will be plenty of mouths to feed if the grain continues to be produced.

Once again I mention it is up to Governments to ensure that the price paid for

grain is sufficient to make it an economic proposition for farmers. It is also a responsibility of Governments to ensure that the price is not too prohibitive to prevent those who require grain from purchasing it. To date the marketing authorities have done a wonderful job in disposing of this product, and there is every indication they will continue to do so. There seems little doubt—and one could go on predicting what is likely to happen—that in the not too distant future Western Australia will be producing over 2,000,000 bushels of grain. The State has already passed the 1,000,000-bushel mark and, in my opinion, it will not be long before farmers will be producing 2,000,000 bushels per annum.

As it has in the past, this company will now be in a position to receive all the grain produced and to dispose of it through its normal activities.

I now want to make some mention of what was said by the member for Albany. I was not present when he spoke, but I have read his speech and I think he was a little unfair in his criticism of the treatment that has been meted out to the Port of Albany. I am not in a position to say exactly when the second berth will be added to the Albany harbour, but I can say that all other ports in Western Australia which receive grain—Geraldton, Fremantle, Bunbury, and Esperance—have been watched very closely by the Government to ensure that facilities are available for the expeditious handling of grain. I know the Minister for Works will be able to correct me if I am wrong, but I think that at present the grain being received at the Port of Albany is being handled as efficiently as that which is being received at any other port in Western Australia.

Fremantle, no doubt, could be excluded from the list of ports, because the greatest quantity of grain by far is received at Fremantle. I understand that shortly the Minister will be announcing the programme that is envisaged for the Port of Albany. Farmers generally are quite happy with the present facilities at that port, and the programme C.B.H. has in mind will cater for the increased production expected from the Albany hinterland. Actually, the Albany district is not ideal country for the growing of grain, but wheat and other cereals are being brought to Albany from the surrounding areas. Therefore I am sure the Port of Albany will share, equally with other ports along our coast, in the handling of grain.

I thank members for their patient hearing of the discussion on the Bill, and I am happy to have had the opportunity of moving the second reading of this measure, because I believe it will play an important part in the future handling of a vital commodity that is produced in Western Australia.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 26 put and passed.

Clause 27: Quorum—

Mr. W. HEGNEY: I object to the plural voting provided in subclause (2). There will be four members on the board and three will constitute a quorum. The chairman shall have a deliberative as well as a casting vote. For some time this Parliament has adopted the principle of one man, one vote, and decisions are arrived at by a majority. So I suggest that the words "as well as a casting" be deleted. The point may be made that on a board of such small numbers it is necessary for decisions to be made from time to time and therefore the chairman should have two votes, but I cannot agree with that logic. The chairman is only one member, the same as the others, and a decision should be made only by a majority. I object to the principle of plural voting ,and I would point out that some time ago the Government abolished plural voting in Legislative Council elections. Therefore, I move an amendment—

Page 13, line 4—Delete the words "as well as a casting".

Mr. GAYFER: I cannot see that the amendment will make much difference, because this clause is virtually the same as the original. This board has never met, and if the member for Mt. Hawthorn thinks the amendment will be of some use in relation to the voting taken by a board that has never met, or is never likely to meet, then I agree there is some justification for it.

The reason this clause is in the Bill is to guard against the time when orderly marketing of wheat may be thrown overboard and growers will return to the system of private buyers purchasing the wheat. If that occurs the whole clause will have to be amended to provide for the change.

Mr. Davies: Is it likely to arise?

Mr. GAYFER: No, I do not think so, but the clause has been included in the legislation as a safeguard. In view of the fact that this clause is similar to the provision in the original legislation and that the board does not sit, there is no pressing need for it to be amended.

Mr. NALDER: As the member for Avon has said, the provision is in the Bill in case of emergency. Should the Australian Wheat Board disappear and there was some reason to appoint this board to handle the sales of our grain, the provision would be necessary. C.B.H. is not permitted to sell grain, as members know. The provision was in the original Act, and it is repeated in this legislation. If the situa-

tion I have mentioned did develop, it would be necessary for Parliament to review the whole position. Apparently it was necessary, under the legislation, to bring this matter to Parliament for review from time to time. and I recall that a special Bill was introduced to bring the situation up to date.

Mr. TONKIN: The Minister said this position could only arise in the case of emergency. Surely it is desirable to have a proper decision of the board rather than a decision by one man. In an emergency we do not want the question determined on the opinion of one man.

This is a board of four, and three members will form a quorum. There could be three people who want to vote one way while the chairman might want to vote the other. The chairman would cast his deliberative vote and would then cast his casting vote. He gets two votes on a question which ought to be determined by the board itself.

Mr. Ross Hutchinson: He does not have a casting vote when there are three present who vote one way when he votes the other.

Mr. TONKIN: This is a board of four members. Ordinarily it would not be possible for there to be a majority if the members were evenly divided, so the chairman would exercise his casting vote and decide the question.

Mr. Ross Hutchinson: Previously you were talking about three.

Mr. TONKIN: When there are three the chairman has no casting vote; but when there are four people present, one of them gets two votes. When there is only a quorum, however, he gets only one vote. It does not make sense. Surely it is better to provide one vote for each member and then, if the question cannot be resolved, to resolve it in the negative. It could then come up for further consideration in the light of experience.

Mr. Lewis: The delay could be serious.

Mr. TONKIN: It could be more serious if one person had two votes and determined upon a course of action contrary to that of the majority of the members.

Mr. Lewis: There would not be a majority if there were four. If there were three present the majority would vote against it.

Mr. TONKIN: When there are three present, the chairman has only one vote.

Mr. Lewis: There are three different opinions.

Mr. TONKIN: It would still be necessary to oppose what the chairman wants to do. When there are four present and it is thought desirable to oppose what the chairman wants to do, the chairman can still achieve his ends because he has two votes.

Mr. Lewis: To resolve a deadlock.

Mr. TONKIN: The practice we have followed is to resolve the question in the negative.

Mr. Ross Hutchinson: What is right about that?

Mr. TONKIN: It preserves the *status quo,* and no damage is done. The question is left open for further consideration.

Mr. Lewis: Cannot the chairman do that by his casting vote?

Mr. TONKIN: As I have said dozens of times, majorities prove nothing; they only decide matters for the time being. Majorities are often proved wrong, and to have a majority composed of a man with two votes makes the situation worse.

Mr. Lewis: He can ensure that it is given further consideration.

Mr. TONKIN: No; because he can determine the action to be taken. When there are four present he has two votes, but when there are three present he has only one vote. The fairest way to decide these matters is to provide that if a majority vote cannot be obtained, the position shall remain unchanged. As a matter of fact that applies in another place.

Mr. Lewis: A good many chairmen would cast their vote that way to give the matter further consideration, even though the deliberative vote went the other way.

Mr. TONKIN: If the Minister considered the matter he would see it would not work in this case, because the chairman could not bring his casting vote into operation unless he wanted to go against the vote given.

Mr. Lewis: There would be two against and two for.

Mr. TONKIN: Of which the chairman would be one. There would be two including the chairman who voted aye and two who voted no. So there would be no decision. But this provision gives the chairman another vote and determines the question.

Mr. Lewis: He could determine it in the negative.

Mr. TONKIN: If the chairman was not given another vote and there was not a majority vote, my suggestion would ensure that the vote would be in the negative.

Mr. Lewis: That might not be in the best interests of all concerned.

Mr. TONKIN: My experience is that when a board is evenly divided it is wiser to give the matter further consideration rather than allow one person, who might have a special axe to grind, to determine the question there and then, possibly irrevocably. It would be far wiser for the question to be resolved in the negative in the event of an equality of votes, rather than to accept the provision in the Bill.

Mr. W. HEGNEY: I have not had an opportunity to look at *Hansard,* but I think the present Minister for Works accepted an amendment where the chairman was given a casting as well as a

deliberative vote—I am not sure but I think this occurred in legislation dealing with chiropractors or physiotherapists.

Amendment put and negatived.

Clause put and passed.

Clauses 28 to 54 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

MR. DAVIES (Victoria Park) [8.46 p.m.]: This Bill does not precipitate any great radical change to the education system in this State; in fact it merely irons out a couple of difficulties that have become apparent over the past several years.

The measure does two things: it allows the Minister to provide for temporary exemption from school under certain conditions; and it also deletes from the Act the provisions for payment of maintenance by parents of children who are physically handicapped and in need of special schooling.

The section in regard to exemptions has been before this House on a number of occasions—I think in 1943, 1962, 1964, and 1966. This has been necessary each time there has been an alteration to the school leaving age. I do not think there is any need for me to detail the changes that have occurred over the years in this regard, but the changes have brought to light certain problems that were not apparent to members of this Parliament when the amending legislation was before us.

The exemption provision, as it now stands, provides for the Minister to allow children from the age of 14 years onwards to leave school for certain reasons. I think at the time we felt there might be some doubts about the manner in which these exemptions would be applied. As far as cases that have been brought to my notice are concerned, a reasonable approach has been made by the Education Department. I do not know to what depth the Minister investigates each case, but no doubt he has a brief look at the reports which go before him in order to decide whether a recommendation should be approved.

There is one section of the Act which could have been amended or clarified to some degree. I refer to section 13 of the Education Act under which the Minister can approve of a child's leaving school to attend a commercial course or some other suitable course. When the Minister introduced the Bill last year, he said, and I quote from *Hansard* of the 21st September, 1966, at page 997—

> Where such a child desires to proceed to special education—for example, commercial college—to further its studies, then exemption should be granted after the fourteenth birthday. These cases are not many but I am informed that they do occur.

The provision in the Act requires that before a child can be exempted in order to take an alternative course, he must have had three years of secondary education. Two cases have been brought to me, and one was a severe case where the three-years' secondary education had not been completed, yet it was fairly apparent the child would be better off attending a commercial college.

I feel this section could be amended on this occasion to provide that children could receive exemption at the age of 14, as the Minister indicated in the portion of his speech which I have just quoted when he said that children—generally girls—need not necessarily have three years of secondary education. I think at 14 years of age the most a child would have had would be two or two and a half years of secondary education. Therefore, in my opinion, the section as it stands at the present time is meaningless. However, that particular provision does not come before us, although the section in which it is contained is being amended.

I also noticed that the Minister, when introducing this Bill, said the exemption at the present time could not be revoked under the Act as it now stands.

Mr. Lewis: For this purpose.

Mr. DAVIES: In fact, the exemptions are permanent. I take this to mean that a child may be exempted from further schooling to take up employment or a commercial course in accordance with the Act and there would be nothing to prevent that child from returning to school if he so desired. However, he could return for a couple of months and use his previously granted exemption to return to work or return to a commercial course. Is that correct?

Mr. Lewis: Once they are exempted you could not make them return to school.

Mr. DAVIES: But they could return voluntarily.

Mr. Lewis: If they wished.

Mr. DAVIES: Having once been given an exemption they can leave, even though they are not 15 years of age?

Mr. Lewis: That is probably the case.

Mr. DAVIES: That will be in accordance with the Minister's second reading speech. I quote from *Hansard* of Tuesday, the 5th September, 1967, page 731, as follows:—

> At present the Minister can exempt a child from the age of 14 under

certain conditions, but this exemption is permanent and cannot be withdrawn.

So we now find a completely different set of circumstances can operate from those in the past; and I am pleased to say that this has been brought about by certain action that has been taken in the district of Victoria Park. The rotary club of Victoria Park through its members has made temporary employment available for students attending the Kent Street Senior High School. This has provided an opportunity for the children to see what the life of a working person is like.

I understand this has been going on for a year and has proved very popular and successful from all points of view—from the point of view of the employers, who have been delighted to have the children in the factories or warehouses to work for a week or a fortnight; and from the point of view of the students, who have been able to gain some physical experience of what the working world is like. The teachers and the principal at the school have also appreciated this, because they found that some children who were anxious to leave school, after working for a short period, preferred to stay at school for a little longer. Alternatively, there were other cases where the students did not want to go back to school.

The Minister under this Bill can grant exemptions provided children have reached the age of 14 and have complied with certain conditions; but this is only for a temporary exemption which allows the student, as part of his course, to be employed in some factory or warehouse or employment of his choosing within the range that is available. The student is employed on award wages and under award conditions and complies with exactly the same work requirements as does every other person on the staff. So, in effect, these children are full-time workers.

I have already mentioned that the employers have been delighted with the services of the children. I understand that several have noted good types of lads whom they have later permanently employed. The employers feel that by introducing the students in this way to working conditions, they are able to assess the worker under different conditions from those that would apply to a new employee who would know he would have to make something of his job because he could not go back to school.

The only fault I can find with the amending Bill is that no time is stated. The exemption can be granted by the Minister, and upon the expiration of the period specified—say, when the employment comes to an end—the exemption also comes to an end. In some circumstances, I think it could be used too widely. For instance, the Minister could say that a month was a reasonable time for a child to be employed as part of his school curriculum, and he would give a temporary exemption for a month.

I think everyone in this House would agree that a month is too long for a child to be away from his studies; and, to the best of my knowledge, the temporary employment has so far lasted for a period of only one week. I think it should be made quite clear in the Act that the period should be for a fortnight at the very outside. I do not imagine the Minister would grant an unduly long temporary exemption.

Mr. Lewis: No longer than one week.

Mr. DAVIES: I am pleased to hear the Minister say that, but I would have liked the measure to state that the maximum would be a fortnight. I would be prepared to agree to a fortnight, but would prefer it to be confined to one week. Perhaps this omission was an oversight when the amendments were being considered, but I would have liked to see the period specifically stated. Whilst I appreciate the manner in which employment opportunities are afforded, we must remember that it is only part of the school curriculum. I support the amendment with that one reservation.

As I see it, the other feature of the Bill has the effect of giving financial relief to parents of children with some physical or mental disability who require schooling. The Bill will delete the provisions from the Act which require the parents to bear the financial responsibility. I confess I was surprised to find that provision in the Act; and it must have been there from the time the Act was first introduced to Parliament. I am sure it is many years since anybody adopted the attitude that parents should have to pay for their children's education, particularly the parents of these unfortunate children. I am sure that had the Government endeavoured to apply charges in this respect there would have been a campaign for State aid on behalf of the physically handicapped and mentally retarded children, because the concept of free education has been with us for a long time.

The more complex education becomes, the more it costs a parent; and education is becoming less free. At this point I would compliment the slow learning children's groups on the magnificent work they do. I am pleased to see the grant to the groups has recently been increased by the Government.

Mr. Lewis: Which group?

Mr. DAVIES: The slow learning children's group. I feel that this section of our children is most deserving of support. I have quite a lot of contact with these people and we have two very active groups within my electorate at Minbalup and South Kensington. I am constantly

amazed at the way the teaching staff is able to improve and able to make a considerable amount of progress with children of obvious low mentality. I particularly applaud the dedication of the teachers. I am afraid the children rather appal me, but when one sees the way in which the teachers assist and train them and the great care with which the children are handled and the results achieved, I have not the slightest hesitation in applauding the teachers. They belong to one of the most dedicated and hard-working sections of our Education Department.

I am sorry to find that relatively little finance is made available to those people. During the year I have had some correspondence with the Minister regarding the future of Minbalup. I am pleased to say it is being shifted to the Millen Junior Primary School, and this will provide a much better setting for the activities carried out. I hope the school will be far better equipped along the lines of the special centre which has been opened at North Innaloo and which, I understand, leads the State in centres for slow learning children.

In regard to South Kensington, the other slow learning school within my electorate, I have been asking, for several years, when extensions would be made to the domestic science room. So far the Minister has been unable to give me a firm answer. I have said before that amazing results can be achieved with the proper training of these children, and I think that in the domestic field, particularly, there can be great results. I am sorry the Government has not been able to provide proper stoves, a hot water system, and other necessary requisites for domestic science training at South Kensington.

The majority of the children there are girls, and I have tasted some of the cakes cooked by them. I can assure the Minister that they are probably equal to what he gets at home and to what I get at home. I feel this is a field in which the children are particularly interested, and, under their present conditions, they are in constant danger when moving hot water and hot trays, and when doing various other domestic jobs which could be overcome in a properly equipped centre.

This school has been taken under the wing of the Nedlands Ladies' Golf Club, and those ladies are doing a great job in providing a lot of equipment. However, obviously the amount of money necessary to equip a domestic science school is beyond their resources. I hope the Minister will see whether something can be done because of the deserving nature of the children who attend the school, and because of the dedication of the teachers. I am sure the results which they already achieve would be doubled if they had proper working conditions.

I do not think there is anything further I can say. We were dealing with the expenses of the parents and the possibility of their being called upon to pay the costs involved in the teaching of their children. As this cost factor has never been applied, it is right and proper that it should be deleted from the Act and I certainly would not oppose the Bill.

Some parts of section 20, which is quite a large section, will remain in the Act, and the Education Department will still require that the blind, deaf, mute, and mentally defective children shall be registered so that the Minister shall be able to give certain instructions. There is provision for proceedings before the court if the instructions are not complied with, and the court can make an order. The parents have certain duties to attend to following directions from the Minister or the court, and the children can still be committed to an institution, Also, they can be removed to another institution, and at that point we come across the present proposed amendments which delete the provisions regarding the maintenance costs.

I do not know that the Minister has ever had to apply any of the sections of this Act. Unfortunately, some parents are rather callous if they have a mentally retarded child. It is important to know about these cases much earlier than is the position with normal children. As the Minister has said, it is important so that the department can plan ahead. I understand that the slow learning groups are having about one child registered per day. I was rather surprised at that figure.

However, this section remains within the Act and only the matter of the payment by the parent has been deleted on this occasion. As I have said, we could not oppose the Bill, and I support it.

MR. JAMIESON (Beeloo) [9.7 p.m.]: I feel much the same as the member for Victoria Park; I think it is well that we should amend the Education Act on this occasion not only to exempt parents from fees, but also to cover the legal aspect and exempt the parents of handicapped children from any special legal encumbrances which could be applied under the Act as it now stands. We all know that in the main these parents are subject to a considerable amount of cost over and above that of parents with normal children and the dedication of some of them to their children is probably one of the greatest problems the Minister has to overcome when trying to sort out the lives of these children. Many parents are inclined to shelter their children far too much, and I should imagine it is necessary to be able to overcome this problem in the community. This, no doubt, is quite obvious to all members who have had some experience with handicapped children.

The various bodies that support them and look after them are to be admired for their dedication. It is a great enough penalty having to give this high degree of dedication to the children who are handicapped, without having to face extra expenses. To my mind if any section of the community should receive absolutely free education—as free as the Government can possibly make it—it should be the section which needs extra training. In the main, that section is now receiving education through the specialised schools and through certain people who are dedicated to the cause of improving conditions for those who, through no fault of their own, are not able to enjoy their lives. To say that I approve of this amendment to the Bill is all I need to mention.

With respect to the other section, I would like to suggest that we will be constantly amending the Act in this regard over the next few decades. One can foresee now, with the leaving age at 15 years, that it will be a far older one in a few years. I think that some American States have had a leaving age of 17 years or 18 years for the last 20 years. It would appear to me that, as we become able to handle the position financially, and as we get training facilities, we will extend our school-leaving age.

This brings up the problem of what is school training. I think many students who will not be academically brilliant and who will finish up in trade training classes will need some form of exemption. This proposal goes a little way towards allowing more temporary exemptions. The Minister is no doubt constantly plagued by the 14-year old group which has not yet turned 15 and which is requesting to be released for the purpose of entering apprenticeships. Sometimes the parents feel that if the child escapes the full year there will not be so much competition for some particular job. In those cases they are able to get the child apprenticed, whereas this might not be possible if there were competition. I do not know whether this is the right attitude on the part of parents, but many have expressed this view.

I have, on occasions, forwarded to the Minister the case of the parents and, on some occasions, he has agreed, after examination, that the action of the parents is probably justifiable, and the report from the school has indicated that the child would be better doing some form of trade training.

To my mind trade training is nothing more than extending school training, and a child suitable for trade training should be placed in a different category from that of the academic type of scholar who will remain at school and on completion of his academic course be eligible for a profession.

I suggest that before very long the Minister of the day will have to come to this Parliament to seek a change in the situation that now exists. At the present time the Minister has the say whether a child within the group which is over 14 years but not yet 15 years shall be exempted from further schooling to seek some form of trade training. I suggest that before very long it will be necessary to take this decision out of the Minister's hands—not because the Minister does not give sympathetic consideration, but because he will find the requirement of determining such a large number of cases will be such that the decision will have to be left to the advisers and he will give only the final approval. Under those circumstances it would be far better to set up some board within the Education Department to interview the students and their parents and satisfy itself that a recommendation, which would then be nominally approved by the Minister, was a justifiable one.

The situation now is that an application is made through the headmaster of the school, and eventually it is investigated, no doubt by a district inspector. A report is then made to the Minister. I think the parents should be forced to front up to some organisation to make sure they are putting forward a genuine case on behalf of the child. Some parents are inclined to be callous and they could not care less about keeping their child at school. Others are quite genuine, but this board could sort things out. The board could consist of a representative from the Education Department, one from the parents and citizens' association, one from the apprenticeship board, and one from the teachers' union. They would need to be people specialised in school training and they could sort out the problems, and they would save a lot of time being wasted by other sections of the Education Department. I suggest this would be a desirable move to make at a very early date.

The idea of giving students an opportunity to test themselves to discover whether they like some particular calling, while they are still in their last year of school, is a step in the right direction. However, I repeat: If we extend our school-leaving age to 17 or 18 years there is no reason why a person who desires to take up an apprenticeship should not be exempted from further studies, other than the study of the trade which he desires to enter.

If a person wants to be a school teacher he is paid while he is being taught his profession. Many trainee teachers receive bursaries, and they are paid while they are at training college, until they are fully qualified, or during the period they take additional examinations. It is up to each individual person, after he has finished his initial training, to decide how far he will go. An apprentice, too, is paid while he learns his particular trade. Therefore I suggest that when we extend the school-leaving age we make some provision so

that a person who wants to enter a trade or calling shall be exempt from the necessity to undertake additional school education. If we do that as we move along we will find we will have a far more enlightened work force, or people who are not academically brilliant but are capable of being of economic value to the community.

However, if we keep on extending the school-leaving age, and we make the level of learning higher and higher, we will find we will have more misfits and malcontents, people who are incapable of the extra study required, and they will be a problem not only to the instructors but also to the departmental administrators as well as to the community generally. It is far better to allow people who have their minds set on trade training, if they are of the non-academic type, to move into that field as soon as possible, and the department can keep an eye on them until they reach the age which other students have to reach before they can leave school. In this way the department can ensure that these non-academic types are being trained properly. It can do this in conjunction with the apprentices board which, to a limited degree, already has this sort of control.

To my mind this is part and parcel of the training for adulthood. It is of no use keeping children at school until they are 18 years of age if they wish to become apprenticed. Many of them would possibly have their own families before they had finished their apprenticeship—not that that does not happen today, but it could happen more frequently if the school-leaving age were increased to 17 or 18 years. Students who were of the non-academic type, if they were forced to remain at school until they were 18 before they could take up an apprenticeship, would become despondent, and I think it would be much better, even if the leaving age is raised, to allow that type to leave school earlier and for the department to keep a watch over them.

As far as it goes I think the Bill is a move in the right direction, and we will watch with interest to see just how successful it is. I have had conversations with some of the instructors at the Kent Street School, particularly when there was an annexe there where some of the children were taught. Those children got the idea that they were no-hopers because they were pushed into this part of the school. It was felt that they were in the non-academic classes and they were not taking part in the general school activities. But these people are part of the community and they deserve the consideration of the community just as much as those who are academically qualified for a better class of position.

Therefore I suggest to the Minister that the department keep a vigilant watch on these young people to see what progress is made. Perhaps the students to whom I have been referring could be released under the watchful eye of members of the apprenticeship board so that eventually they will finish up as useful and trained members of society. A person who is not capable of absorbing higher learning, and who is not suited to that sort of education, should be permitted to enter a trade. I support the Bill.

MR. LEWIS (Moore—Minister for Education) [9.21 p.m.]: I wish to thank the member for Victoria Park and the member for Beeloo for their contributions to the debate. I appreciate the comments made by the member for Victoria Park in that when I introduced the Bill I did say it was not proposed to grant any more than one week's exemption at a time—one in each term—but that the Bill does not specifically state that. At first sight I cannot see any objection to amending the Bill in this direction, but I would prefer to have the point examined in case there are some difficulties regarding the matter.

I know that to amend the Bill in this direction would simply be in line with what I said when I introduced the measure, but I would prefer to have the point examined and, if it is thought it would not be objectionable in any way, we could have the measure amended in another place.

Education is a progressive science. We are moving along all the time with new and different courses, and we are improving existing courses. It is a year or two since we decided to place greater emphasis on what are called the high school certificate courses under which the less academic minded children, if I can refer to them as such, can study subjects which will be of greater use to them in their future employment.

The purpose of the Bill, and the exemption provided under it, is to enable this type of student to get some work experience, and it is true, as the member for Victoria Park said, that because of the co-operation of rotary clubs, in particular, and employers generally, these youngsters have been introduced to particular lines of work for which they have expressed a preference, so that eventually when they leave school they will be able to go into a type of employment to which they have already been introduced. It has whetted their appetites to further equip themselves for the trades they wish to follow; and they are able to extend their studies in this direction.

The member for Beeloo mentioned the high school certificate courses and the need to divert the non-academic minded children into these courses as soon as possible so that they can become efficient and better able to take their places in the community as future employees. I agree with that view. The department has been and still is working to make the high school certificate courses more purposeful.

They have already been extended, and I am told that even now prevocational workshops have been set up in certain schools, and we are hoping to extend these workshops to many other schools. These prevocational workshops are something more than the old manual training shops in that such things as transport mechanics are taught. These workshops provide an extension of what we call the manual arts. Such work as cement mixing, a knowledge of mortar, and the practical side of woodwork, as well as community services, in which many of these youngsters will be employed, are taught.

By and large the experience that is gained in the period of exemption to which we have referred will be complementary to the other more purposeful training that is now being given in these prevocational workshops.

Both the member for Victoria Park and the member for Beeloo mentioned the physically handicapped, and the member for Beeloo suggested we should make the education of these unfortunate children free. He said that this would be a great help to the parents of these unfortunate children. I think we are all humane enough to wish that this were possible, but I am informed by the department that it now costs us four times as much to train a handicapped child as it does a normal child. Some people might say, "Even if it is 10 times as much what does it matter?" We would all like to do more for these unfortunate children, but when we are thinking of the mentally and physically handicapped we must also consider the education which must be provided for normal children. It is a question of maintaining a fair balance.

As regards the South Kensington School, I have visited it on more than one occasion as I have visited the Lucy Creeth Home, the Lady Lawley Cottage by the Sea, and the school at Maylands which caters for blind children, as well as the school for the deaf. When one visits these schools one wonders why something more cannot be done for the children. The department is endeavouring to do more, and we have improved the situation for deaf children and for blind children, as well as for the mentally handicapped, and I expect, and hope, we will go on improving the position.

As regards the matter at the South Kensington School mentioned by the member for Victoria Park, I will have a look to see if we can do something for the home science part of the school. I regret it has not been possible to do more than we have done up to date, but the department is paying greater attention to the mentally and physically handicapped children. It is not possible to do all we would like to do; and, in some cases, the work we would like to do would be very costly.

I have had brought to my notice a school that is being established in New South Wales where both blind and deaf children are to be taught. This school will cater for youngsters who have both disabilities together, which is a very severe handicap. Although I do not have the figures with me, and I speak subject to correction, I think the amount is about $10,000 per child per annum. So members can see a large sum of money is tied up in the education of mentally and physically handicapped children. However, we will continue to do more and more for them as we get more money for this work.

I do not know that there is much more that needs to be answered. I suppose this exemption provision will be revised from time to time because, as I said, education is a progressive science and new ideas are coming along all the time. It is not a bad thing, perhaps, to have to amend the Act from time to time, but I will look into the question of limiting by Statute the time for which these youngsters can be exempted. I would not like to commit myself, but I say the position will be examined.

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.

House adjourned at 9.31 p.m.

Legislative Council

Wednesday, the 13th September, 1967

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

QUESTIONS (4): ON NOTICE

AIR POLLUTION

Readymix W.A.: Quarry at Gosnells

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

   (1) Has the Minister seen the report in *The West Australian* of Thursday, the 7th September, 1967, that Readymix W.A. has been given the right to quarry in the Gosnells district over more than twice the area of hillside it is now using?

   (2) As Readymix W.A. has not lodged an application for a license to operate under the Clean Air Act, what control can be exercised by the Air Pollution Council over the operations of this company to prevent a worsening of the metal dust problem in the area mentioned in (1)?

   The Hon. G. C. MacKINNON replied:

   (1) and (2) Readymix W.A. is lodging an application for a license to operate under the Clean Air Act, the provisions of which apply to the company.