Area No. 6:

This area is situated about 11 miles south-west of Popanyinning townsite. It comprises approximately 68 acres consisting mainly of gravelly slopes and carrying only two small groups of mallet trees. The area forms a salient into private property and its alienation will square up the State forest boundary. It is applied for by the adjoining holder of Williams Locations 6900 and 2910.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [10.30 p.m.]: In order to assist the Government in its endeavours to conclude this part of the session by a certain time, it is not my intention to move for the adjournment of the debate. I, together with other members, have taken the opportunity to study the plans which commendably and clearly set out the position; as do the descriptions of, and the reasons for, the alteration of the State forests boundaries.

It is indeed pleasing to see that in every case there is ample justification for the alteration of the State forests boundaries, and, generally speaking, the alteration is to the advantage of our forest reserves. I have no objection to the motion.

MR. BOVELL (Vasse—Minister for Forests) [10.31 p.m.]: I thank the Deputy Leader of the Opposition for his co-operation. As a former Minister for Forests he knows the procedure very well. Both the Government and I appreciate his co-operation in facilitating the passage of this motion.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Mr. Bovell (Minister for Forests).

House adjourned at 10.32 p.m.

Legislative Council

Thursday, the 16th October, 1969

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

QUESTION ON NOTICE

WATER SUPPLIES

Increase in Rates at Esperance

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

Further to my question on Thursday, the 9th October, 1969, will the Minister please advise what the anticipated average increases in water rates at Esperance will be for the year ending the 31st December, 1970, for—

(a) State Housing;

(b) business; and

(c) other residential areas?

The Hon. A. F. GRIFFITH replied:

(a) $11.10 per assessment.

(b) $58.20 per assessment.

(c) $11.80 per assessment.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 7, 14, 16 and 51 laid on the Table of the Legislative Assembly by Command of His Excellency the Governor on 30th September, 1969, be carried out.

ALUMINA REFINERY (PINJARRA) AGREEMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.37 p.m.]: I move—

That the Bill be now read a third time.

Members will recall that I did not ask the House to agree to the third reading of this Bill last night in order that I might have time to talk with the draftsman on the adequacy of the title of the Bill, a point raised by Mr. Willesee.

I have not really changed my point of view, which was substantiated and quoted with even greater clarity by Mr. Medcalf when he spoke to the Bill. I do not think a person would pick up an Act and read the title unless he intended to read the Act itself. In other words, I do not think that merely by reading the title of an Act a person would believe, as in the case of this legislation, that it has no connection with anything else.

If a person reads the title of an Act, it is because he intends to read the contents of that Act. In those circumstances, with regard to this piece of legislation, it would take no time at all for him to discover that it affects, in some limited way, some other pieces of legislation.

As Mr. Medcalf said last night, this is a Bill attached to an agreement which is establishing a new industry at Pinjarra. Therefore it is necessary to recite in the title of the Bill the simple fact that it does establish a new industry at Pinjarra. Then it is revealed, not in the Bill itself, but in the schedule to the Bill, that some

arrangements previously made between the Government and Western Aluminium No Liability are to be varied.

Mr. Walsh, the Chief Parliamentary Draftsman, drafted this Bill himself; and he suggests, with respect—and I concur with his view—that the title of this Bill is satisfactory.

I understand, I might say, that in other quarters—the Commonwealth to wit—the title of this Bill could quite easily have been something along these lines: A Bill to ratify an agreement—full stop! In that case one would really have to read all the legislation to find out what it was. The title we have used is not as short as that.

The Hon. F. J. S. Wise: It is the short title which enables filing, recording, references by clerks, and all sorts of things pertaining to research. The short title is what is looked for.

The Hon. A. F. GRIFFITH: The short title to this Bill is "Alumina Refinery (Pinjarra) Agreement Act, 1969."

The Hon. F. J. S. Wise: Yes.

The Hon. A. F. GRIFFITH: The short title of the other Act is "Alumina Refinery Agreement Act, 1961." However, the short titles of both pieces of legislation certainly do connect one with the other. Mr. Willesee was complaining about the long title, which is truly long as it occupies four lines and reads—

> An Act to ratify an agreement between the State and Western Aluminium No Liability, for the establishment of a refinery near Pinjarra to produce alumina and for incidental and other purposes.

The words "and for incidental and other purposes" are also important, because an indication is given in the long title that the purpose of the Bill is not limited merely to establishing an alumina industry at Pinjarra, but that the agreement is also for other purposes. Whether or not that explanation satisfies Mr. Willesee, I consider the Bill is satisfactory as it is printed.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.43 p.m.]: I feel, after listening to the Minister—

The Hon. A. F. Griffith: Refreshed, I hope.

The Hon. W. F. WILLESEE: —and Mr. Medcalf yesterday, and the Minister again today like the girl in the Mavis Bramston Show: I am confused. No-one could tell me that anyone who picked up this Bill would find a quick reference to the four amendments to the previous legislation unless he was a knowledgeable lawyer and in very close touch with what is happening in Parliament. It is hopeless to pursue the issue, however, as the Government has decreed it should go this way.

I cannot see why a specific Act should be amended on four occasions in a specific way and the procedure departed from on this occasion. A Bill should have been brought down which would have been complementary to the previous amendments. That would have been simple, easy to follow, and in line with precedent.

We now go back to Caesar and, of course, the Parliamentary Draftsman will say what he did was right. He must support it, and so, apparently, must the Minister.

Question put and passed.

Bill read a third time and passed.

FORESTS ACT AMENDMENT BILL

Third Reading

Order of the day read for the resumption of the debate from the 15th October.

President's Ruling

The PRESIDENT: The Hon. F. J. S. Wise has asked whether this Bill appropriates revenue and if so whether it should have been supported by a Message from the Governor.

Having studied the principal Act in conjunction with the Bill before the House, I am satisfied that the Bill merely adjusts the method of accounting by the Forests Department, and that it does not, in itself, appropriate revenue.

My understanding of the position is that the calculation of net revenue is made before the revenue of the department is credited to the Consolidated Revenue Fund, and therefore under this Bill no appropriation from that fund occurs which would require a Message from the Governor in accordance with section 46 of the Constitution Acts Amendment Act.

The amounts appropriated to meet interest and sinking fund charges mentioned in the Bill are, in my opinion, covered in overall appropriations.

I therefore rule the Bill to be in order.

The Hon. F. J. S. WISE: Mr. President, I understand the situation to be that unless I move to disagree with your ruling, I cannot speak to that ruling.

The PRESIDENT: That is so.

The Hon. F. J. S. WISE: Thank you, Sir.

Debate Resumed

Question put and passed.

Bill read a third time and returned to the Assembly with an amendment.

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [2.47 p.m.]: I move—

> That the Bill be now read a second time.

When introducing this measure in the Legislative Assembly, the Minister for Education indicated that its main purpose was the establishment of a statutory authority to be known as the board of secondary education and this need arose out of a recommendation in a report of the committee on secondary education, which was presented to the Minister for Education earlier this year.

That committee was appointed by the Minister in June, 1967, to investigate developments in secondary education in this State and elsewhere. This entailed an assessment of the needs of Western Australia in this field and the requirements for the future organisation and structure required and the courses necessary to meet those needs.

The committee was also requested to recommend ways and means of putting these requirements into effect. I can advise that the report was well received by educationalists throughout Australia and all comment which has been received has been most favourable.

It would seem at this juncture that it might be of benefit to members if I were to summarise briefly the investigations which have been made into secondary education during the post-war years. There has been an extremely rapid increase in secondary enrolments since 1950. The total in Government schools in 1950 was 11,350. This figure had increased to 27,550 by 1960, and it is more than 50,000 at the present time. The upward trend is expected to continue into the 1970s.

The apparent reasons for this, are, firstly, the increase in the population of the State, and, secondly, an increase in the retention rate. This latter, is to some extent due to the raising of the compulsory school-leaving age in 1966. That applies, however, only to the end of third year. Fourth and fifth-year enrolments have increased from as few as 540, in 1950, to 6,781, at present. It is considered that these increases are due, to a large extent, to the improved economic conditions enjoyed in this State and to the growing awareness on the part of the community of the value of advanced education. An important aspect, of course, is the fact that secondary education facilities are now more readily available to all. There are today, 33 senior high schools, 16 high schools and 40 junior high schools, compared with the limited number of only six Government senior high schools in 1950, with 11 high schools and two agricultural schools.

As a result of changes both in the secondary school population and in the curriculums, which have been redrafted to provide for a technological advancement hitherto unknown in this State, frequent reassessments have been necessary. For instance, no fewer than four committees have considered and reported on secondary education since 1952. Members may recall that in 1952, on the eve of the tremendous expansion which has since eventuated, the then Minister for Education (The Hon. A. F. Watts) set up a departmental committee to prepare a plan for the reorganisation of secondary education in Western Australia. That committee's report was presented in 1954.

In 1957, the then Minister (The Hon. W. Hegney) appointed a secondary schools curriculum committee to examine the curriculum for secondary schools. Members of that committee were drawn from interests outside the department, as well as from the department itself, and its report was presented in 1958. The committee outlined in its report the general aims and areas which it considered should form the basis of a secondary schools' curriculum programme, and those proposals have served as the basis for the construction of syllabuses in various subject areas since that time.

Then again, in 1961, The Hon. A. F. Watts set up a further committee to review the progress made in secondary education since 1954, and to make recommendations on future developments. That committee's report was published in 1963. It contained 15 recommendations, covering almost as many aspects of secondary education.

The latest committee reports that it has examined these recommendations and dealt with each in turn. I desire at this point to refer particularly to the 1969 review of the second recommendation of the 1961-63 committee, which proposed that a research project be instituted, the purpose of which was to assess the practical implications of a cumulative certificate scheme.

The research was initially to involve only a limited number of Government and independent secondary schools. This proposal was advanced because of the dissatisfaction felt by many educationalists in being tied to a curriculum built around external examinations with the consequential restraints imposed on the teachers. Incidentally, Queensland and Western Australia are the only States which still have an external examination for third-year secondary students.

The committee was also concerned at the recognised fallibility of external examinations. The project to which I have just referred was initiated in 1964 in four Government secondary schools, and in 1966 the name of the project was changed to the Achievement Certificate. Under this project, the student is assessed on a cumulative record of his achievements maintained in the school, rather than by a single terminal external examination. This enables a certificate to be awarded covering his secondary education for any

period up to Junior level. Such certificate provides a more detailed record of the student's achievements than can become evident through the medium of a single terminal external examination.

The recommendations and subsequent experimentation were scrutinised closely by the 1969 committee, which reported that, in its view, courses should be such as to enable all students to experience both challenge and success. Because of individual differences among students in terms of their mental and emotional maturity, a wide variety of courses is necessary and no arbitrary period of time should be set down as appropriate for all students in covering a given course of work, as is required by the external examinations system.

It is considered that decisions as to timing, standard, and content of work, should be at the teacher-student level where the individual's achievements and needs are more adequately recognisable. This criterion would also apply to assessments which should not be based on any arbitrary time divisions. It is preferable that the assessments should be made when educationally appropriate.

Arising from its investigations, the committee has recommended as follows:—

> Because of their fallibility and the restraints which they place on curricular and teaching methods, external examinations should be discontinued and replaced by internal school assessments. The last Junior examinations should be conducted in 1971 and the last Leaving examinations in 1973.

The Minister for Education has accepted that recommendation in principle but, as I shall explain later on, he considers that further consideration will need to be given to the replacing of the Leaving Certificate examination.

It is claimed by many that one of the most important advantages of the external examination system is that it helps to maintain uniformity of standards between the various schools. While this is arguable, it is recognised that some satisfactory system of ensuring uniform standards is necessary if the Achievement Certificate is to gain popular recognition.

The committee has therefore recommended that a board be established, the duty of which will be "to exercise a general overview of the secondary curriculum and to be responsible for the award of certificates of secondary education based on internal school assessments. Measures taken by the board to ensure satisfactory comparability of standards amongst schools should include the provision of standardised tests and the appointment of moderators."

It is the purpose of this Bill to provide for the establishment of such a board as a statutory body, divorced from the Education Department and being completely autonomous, as is the Public Examinations Board, which, in time, it is expected to supplant. It is emphasised here that the legislation will in no way affect the existing relationship of the Minister for Education and his department.

It is believed that autonomy is essential if the board is to be accepted by the independent schools and receive full recognition by the public.

Some informal approaches have already been made to employers, who have shown a keen interest, and the interim board—which has been set up in anticipation of the legislation—is now officially to approach employers' organisations with a full explanation of the proposals and to seek their reactions.

The assessment of students will essentially be a school responsibility. The schools will submit their assessments of student achievement on approved courses to the board which will then award its certificates. Schools will be helped to conform with State-wide standards in their assessment by the results of their students on special standardised tests, which will be prepared under the supervision of the board.

In addition, all schools will be visited from time to time by officers who will advise on the standards to be maintained. Those officers, who will be known as "moderators," will be mainly departmental superintendents and senior teachers from the independent schools.

Schools will be free to develop their own assessment procedures conforming with the aims of their courses and would endeavour to assess important, but not examinable, aspects of such courses. For example, in science, the new system will provide more opportunities for laboratory work, which actually promotes genuine scientific attitudes, accurate observations, and clear reporting. Again, in English, teachers will be provided with far greater opportunities to develop a genuine appreciation of literature through wider courses of reading.

Students will no longer be restricted to a set or prescribed list of textbooks but will be able to range over a much more extensive field, according to their own particular interests and the appreciation generated by competent and imaginative teaching.

Initially, the board will concentrate on secondary education up to and including third year. As soon as a suitable system has been devised for the first three years, consideration will be given to the fourth and fifth years. At this stage, the board

will explore, with the authorities responsible for tertiary institutions, ways of enabling them to select suitable students without imposing on them the unsatisfactory external examination system.

Turning now to the Bill itself, it has been prepared as an amendment to the Education Act solely to keep together as much as possible all legislation pertaining to education.

The board will consist of three *ex officio* members—the Director-General of Education, the Director of Catholic Education and the Director of the Board of Secondary Education—and 14 other members appointed by the Minister.

These ministerial appointments will represent the Education Department which will have four representatives; Government secondary teachers, three representatives; non-Government secondary schools, three representatives; the University with one representative; The Western Australian Institute of Technology with one representative; and the community with two representatives. These will be appointed for a period of three years.

The board will be responsible to the Minister and will receive its funds direct from the Treasury as a vote separate from the Education Department.

The Bill provides that the Minister will be empowered to appoint a director and the board will be enabled to appoint other staff necessary for carrying out its functions. These functions will be found in clause 10 of the Bill and they conform to the recommendations of the committee on secondary education, to which I earlier referred.

The Bill itself, I feel, requires no further elaboration. The legislation is regarded educationally as being of the utmost importance and, on its passing will have far-reaching effects on every aspect of secondary education.

The procedures to be adopted by the board will enable reliance to be placed on the certificates it issues, but without placing unnecessary and undesirable restraints on schools.

Schools will be freer than they are at present to implement other far-reaching recommendations contained in the report of the committee on secondary education. They will aim to provide the opportunity for girls and boys to develop as individuals and citizens whose attitudes and attainments enable them to live full lives, to contribute to society, and to obtain employment satisfactory to themselves and their employers. Secondary school courses will be such as to allow for individual differences in student abilities and interests. The understanding and use of information will be emphasised rather than its mere memorisation. I commend the Bill to the House.

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

DISTRICT COURT OF WESTERN AUSTRALIA BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.1 p.m.]: I move—

> That the Bill be now read a second time.

This Bill, the purpose of which is to establish a third tier in the judicial system of Western Australia, was introduced in the Legislative Assembly on my behalf by the Minister for Industrial Development.

I have much pleasure in introducing the measure in this Chamber because of its far-reaching importance in the fact that it represents, I believe, something of a landmark in the history of the State.

Up to this point of time, we have been well served by a two-tiered judicial system with the Supreme Court on the one hand and the Local Courts and Courts of Petty Sessions on the other. The existing system was quite adequate to meet the needs of the comparatively small and scattered population of former years but the rapid expansion of population and industrial, agricultural, and mining development of recent years, now call for the establishment of an intermediate system of courts to be known as the district court of Western Australia.

At this point I think I should recount briefly some aspects of the present distribution of jurisdiction as between the courts under the existing system. Criminal jurisdiction is exercised by the Supreme Court, by Courts of Sessions presided over by a judge or a stipendiary magistrate, and Courts of Petty Sessions presided over by stipendiary magistrates or justices of the peace.

The Supreme Court, in its criminal jurisdiction, has unlimited jurisdiction over indictable offences. Courts of Sessions may deal with indictable offences, but, unless a judge presides, have no jurisdiction in any case of murder or wilful murder, or of offences against public order as defined in certain chapters of the Criminal Code.

Courts of Petty Sessions have committal but no final jurisdiction in indictable offences which are not triable summarily, and, where the indictable offence is triable summarily, the accused has the right to elect for trial by jury.

In all civil matters, the Supreme Court has full jurisdiction. However, the Local Courts presided over by stipendiary magistrates have jurisdiction to try claims which do not exceed $1,000, but not to hear and determine any action in ejectment, or in which the title to land or the validity of a devise, bequest, or limitation under a will or settlement is in question, or for libel or slander or for seduction or for the breach of promise of marriage.

As a result of these limitations, many cases which are straightforward, or run of the mill cases, must, of necessity, be tried before the Supreme Court.

Within this distribution, and because of the loyalty and effective work on the part of members of the judiciary at both levels, the pressures of growth have to this stage been met. Further expansion of either of these levels is, however, not considered to be appropriate at this stage. The stature and standing of the Supreme Court must be kept at the highest possible level, and this objective can be safeguarded best by maintaining the court at a reasonably small number of eminent judges, who are engaged in the most difficult cases, together with the oversight of other jurisdictions that an appellate tribunal can provide. If this circumstance is to be achieved, some way must be found to relieve the Supreme Court of its less important work. It is considered unwise to increase further the jurisdiction of the magistracy beyond its already extensive bounds.

Greater demands on the courts have presented difficulties in making the services of judges available to preside over Courts of Sessions and Circuit Courts. Some idea of the increased work in the Supreme Court can be obtained from statistics which I shall place before members now, and these will show a comparison between the years 1960 and 1968.

During 1968, no fewer than 1,006 divorce petitions were lodged as compared with the total number of 570 in 1960. However, the increase in this jurisdiction may not be evaluated on figures alone, because the provisions of the Commonwealth Matrimonial Causes Act require more time, not only for each hearing but also for ancillary matters arising from the petitions, than was the case under the State legislation covering this field.

During the period to which I refer, writs issued have increased from 890 in 1960 to 1,773 in 1968. However, the full effect of the establishment of the Third Party Claims Tribunal to deal with claims for damages for personal injuries arising from vehicle accidents has not yet been felt by the court, which is required to finalise writs for such claims entered in the Supreme Court before the tribunal commenced operations. The figures of 1,773 does not include any such writs as the courts ceased to receive these writs in 1967. Another indication of the increase of work is the higher number of adoption applications; namely, 619 in 1968, as against 315 in 1960.

Members will, I am sure, agree that it is desirable to avoid a backlog of cases awaiting hearing, such as exists in other States where litigants are subjected to undue delay in having matters determined by the court. Such a position, were it allowed to occur, would not be in the public interest. I am sure we are all agreed on that point.

The work in magistrate's courts has also shown a substantial increase. This is evidenced by the increase in the number of convictions, which in five years rose from 57,912 in 1963 to 72,798 in 1968.

The Hon. F. R. H. Lavery: Nearly as bad as the dogs!

The Hon. A. F. GRIFFITH: I see. Having regard to these developments in the judicial sphere, the Government has decided that the time is opportune to establish a district court system. The advantages which flow directly from a district court may be summarised under four headings, as follows:—

(a) The district court will encourage the decentralisation of the legal profession. Practitioners outside the metropolitan area will be able to bring matters before the court which are now required to be dealt with in Perth. The interests of country residents will be served by enabling them to have matters determined locally.

(b) The State will be able to take advantage of proposals by the Commonwealth to legislate to enable undefended divorce petitions to be held in district courts.

(c) It will relieve mounting pressures on the Supreme Court, thereby preventing a backlog of work at that level.

(d) Most important of all, it will provide a flexible framework within which to accommodate the needs of Western Australia with regard to the administration of justice in the period of growth that confronts the State.

In submitting these proposals to members, I desire to inform the House that it is proposed to make a modest beginning with the new court by investing it with the basic criminal and civil jurisdiction. Civil jurisdiction shall be in all matters where the sum in issue does not exceed $6,000; but, with the written consent of both parties, this amount may be increased. This jurisdiction will be concurrent with the Supreme Court. Criminal jurisdiction also is to be concurrent with the Supreme Court but is not to include trials on indictment for all offences carrying a maximum penalty of more than 14 years' imprisonment.

Provision is made in this measure for appeal to the Supreme Court against any judgment of the district court.

Members will be interested to know that a person to be appointed a district court judge must be a legal practitioner of not less than eight years' standing and practice, or a practising barrister of the High Court of not less than eight years' standing. No limit has been placed on

the number of judges to be appointed. Initially, it is proposed to appoint three judges. Whilst their headquarters will be in the metropolitan area, they must expect to be itinerant for about one month in each three months.

The salary of the chairman of judges will be $14,500, and other judges will receive $13,500 per annum. Pension entitlements are to be provided on the same basis as for Supreme Court judges. In the event of an appointee being a contributor to the State Superannuation Fund at the time of appointment, that person may elect, under the provisions in this Bill, to retain his entitlement from that fund.

Sittings of the court will be held at Perth and such other places as deemed necessary.

The Bill also contains power to appoint the officers necessary for the functioning of the court. The registrar will be a qualified legal practitioner located in Perth. A deputy registrar will be appointed at each place where the court sits. Until the volume of work at each centre warrants the appointment of a full-time deputy registrar, the routine work of country registries will be conducted by clerks of courts. However, any matters requiring the attention of a professional officer will be dealt with by the registrar, or deputy registrar, who will itinerate from Perth as required.

The introduction of this Bill has been delayed somewhat in my desire to seek the views of the legal profession on the machinery of the court. This course was considered necessary as the support of the profession is desirable in order to ensure maximum benefit from the court, particularly in matters affecting the communities outside the metropolitan area. Substantial agreement has been reached with all interested persons.

In commending this Bill to members, I am pleased to be able to say that the success of the new court system seems to be assured.

The passing of this measure will, I believe, provide a court which, within the judicial system, will enable adequate administration of justice in our expanding community. This measure breaks new ground as far as this State is concerned, but not so far as other States are concerned.

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

METROPOLITAN MARKET ACT AMENDMENT BILL

Assembly's Message

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

MUSEUM BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) (3.14 p.m.]: I move—

That the Bill be now read a second time.

The need for this legislation, which replaces the existing Museum Act, has been occasioned by a marked increase in the activities of the Museum Board since the present Act was framed.

With the passage of this legislation, the term "board" will no longer obtain and the board members will become trustees. As it is considered that the functions of the Museum are far too restrictive, an entirely new provision will give statutory authority for many of the activities now being undertaken by the board, which will enjoy a discretion to select its future field of activities within a broad framework.

The first of these functions deals with the wider education of the community. The second classifies the Museum's collections, and the third requires the Museum to study and research its collections. The fourth permits the trustees to assist bodies which are interested in the Museum's field of study and will allow the Museum to provide meeting rooms and other facilities for these organisations. The fifth function recognises the Museum's contribution to formal education through co-operation with the University, colleges of advanced education, schools, etc. The sixth and final function of the trustees is to train people, mostly research students, in the Museum's field of work.

As well as changing the name of the board, the Bill increases its membership by two, making a total of seven trustees. The additional appointments have become necessary because of the increased scope of the Museum's activities. At present, its functions are centralised in its Perth building, but there has been an increasing body of opinion that museums, perhaps of a somewhat specialised nature, should be set up in some country centres.

The State Tourist Development Authority and the Royal Western Australian Historical Society have sponsored some museums of this kind and there have been inquiries from local authorities interested in setting up local museums. As a result, the Museum Board is being called upon more frequently for assistance and advice as a technical service and for the loan of specimens and displays.

This legislation has been prepared with a view to discouraging a proliferation of inadequate museums based on little else than a sudden surge of local sentiment, as has occurred in some overseas countries. We desire to encourage local authorities

to open functional local museums concerned with preserving a record and display for posterity of the characteristics of the human and natural history and geography of their regions.

It is proposed in particular that municipal museums be assisted to become established on the soundest possible lines under the locally responsible authority, thus ensuring, as far as possible, continuity of operation and the safety of the collections.

As a municipal museum, certain benefits would accrue to it under the Act. For example, provided the local authority were prepared to meet certain conditions, it could call on the professional and technical services of the Museum to maintain, restore, and advise on the display of specimens and exhibits and for the loan of specimens and other objects for exhibition.

The Bill also allows the trustees to deposit specimens from the State collection in municipal museums. In return for their recognition of a municipal museum, as such, the trustees would need to be assured of its satisfactory siting and that the site is vested in the local authority.

It would also need to be maintained at a predetermined standard, primarily for the protection of the exhibits. Failing the agreed standard being maintained, the trustees could withdraw official recognition. In such a case, with the consent of the Minister, the trustees could take control of that part of the display added subsequent to formal recognition. This would ensure that historically valuable and unique objects reposed with the municipal museum because of its recognised status, were not lost to the community through neglect.

It is also provided that municipal museums should be governed by a committee of the local authority. The committee would include a person appointed by the Director-General of Education and by the Director of the State Museum, or his deputy.

I would emphasise there would be no compulsion for any local authority to enter into such arrangement with the trustees. However, having done so, it would be expected to meet the minimum conditions laid down.

The Bill specifically establishes a branch of the Western Australian Museum in Fremantle to be known as the "maritime museum." It is currently being developed by the trustees in co-operation with the Fremantle City Council.

The Treasury has contributed towards the capital cost of the building and, for the time being, at least, the City of Fremantle and the trustees will maintain the museum on a shared basis. It is envisaged that as the need arises, and with the consent of the Governor-in-Executive-Council, other branches of the Museum will be established in appropriate centres. There are at the present time no plans for a second branch, however.

In 1964, Parliament amended the Museum Act to provide statutory authority for the protection of historic wrecks lying within the territorial waters of the State. This was to stop the exploitation and destruction of wrecks for private gain. The Act made provision for the payment of a reward of up to $2,000 to the first person notifying the Museum Board of an historic wreck, the existence of which was not previously known. A finder may also claim the current value of the metal content of any gold or silver in coin or bullion subsequently found on such wrecks.

That legislation was quite unique but it was soon found to be inadequate for the protection of these vessels. For instance, it became evident that when taking possession of a reported wreck, the board needed to be able to identify it as the one reported. This Bill therefore provides that a person wishing to receive the benefits accruing under the Act as the original finder of a wreck must mark its position with a buoy or by some other suitable means.

The controlling legislation provided that where the finder was doubtful as to whether he had, in fact, found an historic wreck, he could refer the matter to the director for decision, but the board was not bound by any time limit in giving such a decision. It is now believed that 12 months, in most cases, should be ample time for examination of the wreck and a decision as to its historic value. The Act is therefore to be amended to require the director to give his decision within 12 months of the reporting date.

There will, of course, be instances where storms or other causes prevent an initial survey being made within the prescribed period, so provision is made for the Minister to extend the time to the extent he considers the circumstances justify. The parent Act also provides for the vesting of historic wrecks in the Museum. Once so vested, they come under the provisions of the Act.

However, on occasions the trustees have found on examination that some wrecks coming within the ambit of the Act are of no historic or scientific interest and are of no value to the State. At present, there are no means of releasing these wrecks from the provisions of the Act. This anomaly is rectified by the Bill before members.

Prior to the 1964 legislation, a considerable quantity of wreck material had been recovered by private individuals. Obviously some difficulty in identifying this material from objects illicitly recovered subsequent to the proclamation of the Act might be expected. The original legislation met this difficulty by requiring that all material lawfully recovered before the

legislation was proclaimed should be notified to the director to record and copy, if thought desirable.

It is known that this law has not been complied with in all cases. The Bill, therefore, directs that all of those persons who possess items recovered prior to the proclamation of the 1964 Act, which have not yet been notified to the director, shall do so forthwith. Failure to do this will not only subject the holder to a fine or imprisonment but also to the forfeiture to the Crown of the item concerned. Members will appreciate that to prosecute successfully an action under this clause it will be necessary to establish whether the item had been recovered legally prior to the coming into operation of the Act or illegally after the coming into operation of the Act.

Since in most cases this would be virtually impossible, the Bill provides that in the absence of proof to the contrary, the possessor will be given the benefit of the doubt and the item will be deemed to have been taken or recovered prior to the proclamation of the 1964 Act.

Turning now from the depths of the sea to the vastness of space, we realise that meteorites fall to earth from outer space. They are one of the two sources of extra terrestrial material which man receives for scientific study. The other source is the material brought back from the moon by the astronauts. Both are of considerable scientific importance because of their value in space research. The natural preservation of meteorites in Western Australia is exceptionally effective because of the dry climate. This State has proportionately more than any country in the world. In fact, 70 of the world's known 2,000 meteorities have been found in Western Australia.

At the present moment, meteorites are a valuable source of research material to all nations and fragments from Western Australian meteorites have gone to many nations. Members will recall reading recently of the small diamonds found by Russians in a Western Australian meteorite.

From our own experience, commercial trade in meteorites results in their being cut up and distributed with a resulting loss of scientific information. The Australian Academy of Science has recently expressed its concern at the development of commercialisation in this field. This legislation, by deeming meteorites found on Crown land to be the property of the Crown, will virtually remove them from the commercial field in Western Australia. For many years, the Museum has accepted meteorites as donations from finders as though they were the lawful owners. In some cases, finders have been reimbursed their collecting and labour costs on a reasonable basis.

Legal ownership is obscure, however, at present. To remove this doubt, the Bill vests all meteorites found on Crown land in the trustees. The trustees are empowered to recoup the finder any reasonable expenses incurred in finding the meteorites or in recovering and delivering them.

This Bill aims at the collation and preservation of the history of Western Australia contributed on the one hand by the indigenous population and its culture—and of which far too little is at present known—and on the other hand by mariners who visited our shores in centuries past, never to return safely to port.

The Bill is commended to members as a means of broadening our knowledge of the historical and cultural aspects of our society.

Debate adjourned, on motion by The Hon. R. F. Claughton.

IRON ORE (DAMPIER MINING COMPANY LIMITED) AGREEMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. F. J. S. WISE (North) [3.27 p.m.]: In the year 1964, in one session of this Parliament, as Leader of the Opposition in the Legislative Council, I examined and spoke in debate on six iron ore Bills. They were: the Iron Ore (Cleveland-Cliffs) Agreement Bill; the Iron Ore (Hamersley Range) Agreement Bill; the Iron Ore (Mount Goldsworthy) Agreement Bill; the Iron Ore (Mount Newman) Agreement Bill; the Iron Ore (Tallering Peak) Agreement Bill; and the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Bill.

That certainly was a year of iron ore Bills. Prior to that—only seven years before—in 1957, this House turned down a Government motion introduced by The Hon. H. C. Strickland which sought to obtain from this House support of the Government's application to the Federal Government for permission to export 1,000,000 tons of iron ore from either Tallering Peak or Koolyanobbing. The ore was to be sold to Japan at a price of $2 per ton royalty.

The main case made against that motion, in this House, was based on the views of the then Acting Prime Minister of Australia. The Right Hon. Sir Arthur Fadden sent an official letter to the then Premier of the State on the 12th August, 1957. Some of that letter has already been recorded in *Hansard*—indeed, in one volume of *Hansard* all of it has been recorded. I will quote only one paragraph.

In his very long letter of refusal Sir Arthur Fadden had this to say—

> Your proposal would involve the Commonwealth in amending the Customs (Prohibited Exports) Regulations so as to lift the absolute prohibition on the export of iron ore from Australia, which has stood for almost 20 years. This embargo was imposed in the national interest to conserve our resources of iron ore. As indicated below, the need for such conservation is even greater today than when it was first imposed.

What a change in little more than a decade! A million tons could not be exported in 1957 because we had a national need to conserve our iron ore resources. However, now, only 12 years later, we are exporting at the rate of nearly 20,000,000 tons a year. We have known resources, recorded and affirmed by the Minister for Industrial Development very recently, of at least 20,000,000,000 tons; enough in a world sense for 200 or 300 years.

As time went on from 1957 onwards it was obvious that discoveries were made so rapidly that it seemed to be an exercise of adding a nought to the millions of tons known year by year and, indeed, month by month. It might well be that this 20,000,000,000 tons will have yet another nought added to it long before 200 years have passed. Indeed, the discovery of further resources and the better use of lower grade ore could mean almost limitless supplies coming from the State of Western Australia.

I would most earnestly refer members to the bound volume No. 3 of the 1964 *Hansard*, because there are many men here who, one could safely assume, will be here for many years during which iron ore agreements will be referred to this House for amendment or review. I think it is a pity that not much interest is shown by members on a national subject of this kind—perhaps because it is not within their provinces—and discussion on this subject is limited to one or two members. I repeat: Those who have a desire to be interested—and I think all should be—will find bound volume No. 3 of the 1964 *Hansard* most helpful to them. It is a splendid record, covering many agreements of different kinds and many deposits, not merely because of the different port facilities or responsibilities involved, but because of the nature of the deposits.

In that year—the year I referred to as the year of iron ore Bills—no Bills which dealt with the Dampier Mining Company Limited were introduced. Members could be confused if they made a search for what could be expected to be the parent Act of this Bill. Mr. Willesee raised this very point on another Bill, and this is an aspect on which I will elaborate when this measure is in Committee. However, the parent Act is the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act, 1964. That company is mentioned in this Bill—but not in the title thereof—which is amending the agreement made in that year. Indeed, this Bill has no voluminous references in the schedule to the responsibilities which, in collaboration with the Cleveland-Cliffs company, the company is still bound to give effect to.

However, in any case, the address of the Dampier Mining Company Limited and the address of The Broken Hill Proprietory Company Limited are both 37 St. George's Terrace, Perth. The name "Dampier" has been applied to only one of the company's activities as we formerly knew them. The name "Australian Iron and Steel Company" is now applied to the activities in Yampi Sound—the Koolan Island and Cockatoo Island activities—which are controlled and governed by the Dampier Mining Company Limited.

The word "Dampier" has been used so profusely in the naming of companies that it is very confusing unless one knows and realises how the companies are involved. As I have said, the Dampier Mining Company is a subsidiary of B.H.P. Dampier Salt Limited—we have had a Bill before the Chamber dealing with this company—is situated in the salt marshes near the town of Dampier, and has no association with the Dampier Mining Company.

The town of Dampier was formerly known as King Bay. The site has been known by that name for as long as I can remember. King Bay was the lighter port for the station of Karratha, and others, which carted their wool from a few miles inland to where the *Nicol Bay*, the *Success*, and other lighters picked it up from the beach. However, in the course of time the Nomenclature Committee decided that the name should be changed from King Bay to Dampier. I think it was a great mistake and created a most confusing position. We now have the town of Dampier on King Bay—first known as King Bay—and we have the Dampier Mining Company Limited at Robe River. We have the Dampier Mining Company Limited at Cape Lambert, and we have the Dampier Salt company. The Dampier Mining Company is also involved at Koolan Island, and indeed, at Koolyanobbing.

I think it is a great pity that the Nomenclature Committee changed the very historic name of King Bay—and it was an historic name in the early exploration of our north-west coast—to the townsite of Dampier. I wonder whether representations could be made to the committee to interest it into changing the name back to King Bay, not only for the sake of convenience, but also for the historic

reason I have mentioned. We have known the Nomenclature Committee to change a name overnight; but the confusion is not very long lasting. One can imagine how easy it would be to create confusion in regard to postal and other services due to the many interests in the north-west bearing the name of "Dampier".

The areas of land, mining leases, and interests dealt with in this Bill are associated with the initial Deepdale deposits which were taken up, inspected, and thoroughly tested by the Broken Hill Proprietary Company Limited. This company spent a very large sum of money and took many months in investigating the prospects of the approaches to Onslow. It hired a hydrographic survey company to inspect the approaches and to make a report.

The company spent a great deal of money in investigating the prospect of a port at Cape Preston; and at that time, in either case, the town of Onslow would have been involved and the local people were very keen about the matter.

In the years 1963 and 1964, when these operations were being carried out so intensely by B.H.P., the Government made an attempt to bring together the two companies—B.H.P. and Cleveland-Cliffs—as a joint venture associated with the Robe River and the Deepdale deposits.

It is history now and we all know why Mr. D. K. Ludwig withdrew from the Robe River project; it was mainly because of insufficient proven reserves.

The Hon. A. F. Griffith: In his opinion.

The Hon. F. J. S. WISE: That is so. With a company of the type controlled by Mr. Ludwig it seemed a deterrent that could be overcome only by the passing of many years or by the introduction of much new capital.

This one action not only changed the course of the two important projects mentioned in the two Bills with which we are dealing, but it had other very important results. It may have been fortuitous—I think at one point the Minister used the word providential—that the inability to agree at that time made it possible for B.H.P. to be free to undertake a remarkable venture at Mt. Newman with that other great Australian company, the Colonial Sugar Refining Company; and together these two companies have a 60 per cent. interest in one of the greatest single deposits known in the Southern Hemisphere—I refer to the Mt. Whaleback and associated deposits.

So the inability to carry on at Robe River and at Deepdale in the 1963-65 period was perhaps one of the greatest things that has happened in the last decade in the potential development of our iron ore deposits. In the joining together of the interests of B.H.P. and the Colonial Sugar Refining Company, with their 60 per cent. interest in Mount Newman, we have had many hundreds of millions of dollars spent jointly by these gigantic concerns in the development of Mt. Newman—we have the Mt Newman railway and the development of the mine itself—which has resulted in the consigning of tens of thousands of tons of iron ore a week to the port at Port Hedland. All this development of the Mt. Newman project, from Port Hedland to the town of Newman—not Mt. Newman—has taken place since 1966.

This is a most fantastic happening in our history. There is no doubt that all Australia is concerned with the operation of this truly gigantic Australian complex. These are two of the most ambitious and self-reliant companies in the Southern Hemisphere. What they are doing in spending money on research and in other spheres, purely of their own volition and without any help, is truly remarkable.

The Broken Hill Proprietary Company Limited—the parent of the Dampier Mining Company—has made public a plan to spend $1,000,000,000 on the development of industries within Australia in the next 25 years. Members will gather from this, and appreciate, the tremendous strength with which we are associated; they will see what a wonderful opportunity it is to have the Cleveland-Cliffs company take part in that association.

Sitting suspended from 3.46 to 4.6 p.m.

The Hon. F. J. S. WISE: I have stated that the plan of B.H.P. is to spend $1,000,000,000 within the next 25 years in developing industries in Australia. In this joint arrangement between two companies, separate and distinct in almost every particular, we find that within the Bill—quite apart from the elucidation given by the Minister, and I think I can say that he delivered a very carefully prepared speech—the story is told.

I will quote directly from the Bill, and what it states is like a story. It is absolutely implicit in its description in regard to the proposal. The Bill states—

> (c) The Deepdale and Robe River areas are adjacent and the Company and Cliffs have now entered into an agreement (hereinafter referred to as "the Companies Agreement") which provides for various consultation and co-operation between them and, subject to any necessary consents of the State for—
>
> (i) the Company to make available to Cliffs from the Deepdale area an amount of up to ONE HUNDRED AND FIFTY MILLION (150,000,000) tons of iron ore or such larger amount as the Company may be obliged to make available;

(ii) Cliffs to make available for purchase by the Company any iron ore that the Company may require up to an amount of TWO MILLION (2,000,000) tons per annum (or such larger amount as the Companies may agree);

(iii) a right to the Company to purchase part of the railway facilities and/or part or the whole of the port facilities to be provided by Cliffs pursuant to its obligations under the Cleveland-Cliffs Agreement;

(iv) consultation together as to the technical and commercial feasibility of co-operation to increase the capacity of the pelletising facilities at Cape Lambert in order to produce iron ore pellets for the Company.

(d) The State, the Company and Cliffs have now agreed that Cape Lambert is a more desirable port site for the initial development of the deposits in the Robe River and Deepdale areas than those considered earlier. Cliffs has already submitted proposals for the development of certain facilities at Cape Lambert.

Have we had many experiences of words as explicit as those in other Bills? I think this Bill is a tribute to the new Parliamentary Draftsman. I venture the opinion that it was not drafted by the same person who drafted the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Bill of 1964. This measure is different in its form; in its presentation; and in its phrasing. Those of us who study Bills can immediately see that the one before us is not comparable with the one I have just mentioned.

As a preamble or preface to what the agreement contains, what I have just read out has much to commend it, because that tells the story of the arrangement made between the two companies, and between the two companies and the Government.

I think it is unnecessary for me to pursue an examination in detail of the schedule, which is the agreement itself. There are paragraphs in it which make explicit the responsibilities of this company to Cliffs and, on the other hand, of the Cliffs company to the Dampier Mining Company. It almost suffices to say that this Bill must be to the great satisfaction of both companies; that is, to be able to merge their interests in this matter in the rationalisation of production and in the use of facilities.

I repeat that this Bill is almost self-explanatory. It is much more concise than many of its kind which we have been used to; and I think with one exception, to which I will draw attention in Committee, it answers all complaints or criticisms—if we can call them complaints or criticisms—which can be levelled at agreement Bills which have been presented to us in the past.

When dealing with the Bill I propose to discuss the difference between the hematite and limonitic ores. I propose to discuss the difficulties associated with the different types which these companies have, compared with the deposits at Goldsworthy, Mt. Newman, or Mt. Tom Price. I will leave my comments on the Cape Lambert proposals to the next Bill, because that is where the comments are relevant.

I repeat that I find nothing objectionable in the terms of the Bill, and I think we should all assist in its passage to bring to an end the long, drawn-out difficulties which have been associated with the completion of this, the first stage—and it is only the first stage. Next comes the responsibility for establishing the railways, ports, and towns; and their construction will be spread over the years. I will have something more to say, but not very much, in the Committee stage. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.13 p.m.]: It is very pleasing to see a Bill of this nature being received by Mr. Wise in the manner in which he addressed himself to the House. To me one of the pleasing things about the iron ore agreements, generally, as mentioned by Mr. Wise—and he dealt with them all, and here I refer to the Cleveland-Cliffs, Hamersley, Goldsworthy, Mount Newman, Tallering Peak, and Broken Hill agreements—is that they have all now in either the principal form or in some amended form reached the stage of fruition. This is tremendously important to the development of the State.

I do not think that the Minister for Industrial Development to whom most of the credit must go for the negotiations in so many of these agreements—and it has been my privilege to participate in them—ever felt this was just a piece of cake, if I might use that expression, or that the agreements written in so many words would be fulfilled letter by letter. We all knew there would be some difficulties along the way. That is now a matter of history, but I repeat there were great difficulties along the way.

Mr. Ludwig's decision to pull out of the arrangement was indeed at the time a setback to the whole proposition. However, now that the Government has been able to collect this proposition together

again, the result of this agreement, and the agreement contained in the Bill which will follow when this one has been determined, will give us a tremendous development.

I feel I should make passing comment on the proposition submitted by the Labor Government of 1957 to the Commonwealth Government. I think Mr. Wise was quite kind to me because I was one of those members who at the time opposed the proposition that 1,000,000 tons of iron ore should be exported from either Yampi or Tallering Peak. I did so in the belief that the policy of the Commonwealth Government of the day was a reasonable one. It thought we did not have sufficient iron ore within Australia for our own steel mills; and it was not until later on that that Government relaxed in part this embargo and stated that 50 per cent. of some new deposit could be exported. That 50 per cent. had to be mined to the satisfaction of the State Mines Department.

This was the beginning of the search for iron ore in this State, and this search did not really reach its peak until after 1960-61.

The other reference I have not been able to find is the one to the sale price of 1,000,000 tons of iron ore in 1950. I heard at one time that it was to be quite considerable, but was never able to track down accurately what the figure was, nor have I been able to trace the reference to the fact that the Government was likely to get $2 a ton for the ore by way of royalty.

However, things have changed and now we have an entirely different situation. Iron ore is not now a short-supply commodity in the world. There is plenty of it in various places and we now find ourselves competing in a difficult market. The price is competitive and companies are vying with each other for orders. It will be the desire of Western Australia to get its iron ore not only to Japan but to other parts of the world also.

I would like to tell Mr. Wise that representation was made at the time in respect of the change of the name to Dampier, but the committee had made its decision and one of the reasons for it was that the Commonwealth people thought that there was a mix-up in the names.

The Hon. F. J. S. Wise: There certainly is now!

The Hon. A. F. GRIFFITH: Yes; but of course the Dampier Mining Company is one company which controls a number of these iron ore projects, as Mr. Wise outlined to us, including the one we are discussing at the present time. However, it will be realised, as I think the honourable member said, that B.H.P., with the consent of the State, has signed over its interest to the Dampier Mining Company, which is the company responsible at present. But, to all intents and purposes the project still has the mighty B.H.P. company behind it.

It is true that this Bill is satisfactory to both companies; but I would say also that it is equally satisfactory to the State, and the benefits to be derived from the happy association of these two companies will indeed be great.

I take my mind back to the first visit I made to Japan in connection with the possible sales of ore to that country. The realisation in 1961 of those expectations concerning the amount of ore in one form or another to be sent from Australia to Japan have, to the 30th June, 1969, been far exceeded.

The figure of nearly 20,000,000 tons Mr. Wise mentioned is, I think, the figure of the total amount of ore to be exported out of Australia, and includes that ore which goes from B.H.P.'s deposits to some other part of Australia. I have not segregated the figures, but I think it does represent the total ore production.

The Hon. F. J. S. Wise: I referred to all ore exported.

The Hon. A. F. GRIFFITH: Yes; but I say simply that I think the figure the honourable member gave includes the ore which goes to the Eastern States.

There is no need for me to say any more except once again to thank the honourable member for his support of the Bill.

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.

Clause 1: Short title—

The Hon. F. J. S. WISE: I do not want to drop a brick so quickly on the first clause, but I think one is necessary. What Mr. Willesee said on another Bill this afternoon was very pertinent, and I interjected at the time to say that the short title of any Bill or Statute enables complete and thorough records to be kept. It also enables our advisers, the Clerks of Parliament, quickly and readily to make available to us a Bill or Statute.

I would hazard a guess that some members in this Chamber would have no idea that this Bill had any connection at all with the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act of 1964. A member would simply ask for the parent Act concerning the Dampier Mining Company. The clerk who is asked would simply look at the index and find there was no such parent Act recorded. I believe it is a very important part of drafting to ensure that associated subjects are grouped in a short title.

The Hon. W. F. Willesee: It appears to me to be elementary.

The Hon. F. J. S. WISE: In regard to the Bill before us there is more than a passing relationship between the Dampier Mining Company and B.H.P. The reference in this Bill to B.H.P. is not in the long title or short title but is in the second schedule which appears on page 3, under paragraph (a). In that paragraph the agreement which is the schedule to the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act is referred to as the principal agreement.

In my view it would take no ingenuity to draft a better title to make the position clear. I am not much of a draftsman, although I have attempted several items of drafting, but I could do something better with regard to the short title of this Bill.

In several places in this Bill the B.H.P. agreement Act is referred to as the principal agreement. Therefore this means that in that principal agreement, a voluminous document, all the responsibilities of the company in regard to the Deepdale project are set out. They are not in the agreement attached to this Bill. I think that somewhere, perhaps in brackets, should be the information that the Dampier Mining Company is a subsidiary of B.H.P. and that this Bill has a relationship with the B.H.P. agreement Act.

I am sure that if the Clerks could join in this debate they would agree with my contention. I certainly hope that my remarks will be referred to the draftsman responsible.

The Hon. A. F. GRIFFITH: I view with respect the remarks made by Mr. Wise and I will certainly draw them to the attention of the draftsman. I did this this morning in connection with the point raised last night by Mr. Willesee; but I received no thanks for my efforts, because Mr. Willesee said, "Of course the draftsman would think he was right!"

The Hon. W. F. Willesee: He did, too!

The Hon. A. F. GRIFFITH: Of course he did!

The Hon. W. F. Willesee: He did nothing to make things easy for members of Parliament.

The Hon. A. F. GRIFFITH: He did nothing to see Mr. Willesee's point of view and that is what the honourable member is compaining about.

The Hon. W. F. Willesee: I am entitled to do that, too!

The Hon. A. F. GRIFFITH: The only way I would have satisfied Mr. Willesee would be to adopt his suggestion. However, the draftsman explained the situation to me in the same way as I will try to explain it to Mr. Wise. I think those who handle this legislation will be only those who understand legal agreements.

They will be members of Parliament, lawyers, commercial people, and people associated with the company. They will not pick up the Bill, read the short title, and say, "This Act may be cited as the Iron Ore (Dampier Mining Company Limited) Agreement Act, 1969." They will not then put it back in the drawer and say, "We cannot find out anything about it." Anyone who looks at this Bill, as Mr. Wise has done, will look at it with a critical eye, and will soon determine what the connections are.

They will see, in the legislation, that the Broken Hill Proprietary Company Limited, with the consent of the State, has assigned its interests to the Dampier Mining Company.

I repeat: this is a new agreement. It is not completely, but it is to a large extent a new agreement with the State in respect of the developments of these deposits whereby Cleveland-Cliffs and Dampier Mining Company, for B.H.P., will come together to do certain things. Naturally the companies will refer to the obligations under the previous agreement; because the parties to the previous agreement are not let out of their obligations. Consequently, they must refer to those obligations.

I think it is a matter of opinion whether it is necessary to spell out the connection in the short title. As I say, I understand that under Commonwealth drafting the title of the Bill would merely be, "A Bill for an Act to ratify an agreement." Then one would be left to find out the rest by going through the agreement step by step.

However, I will talk to the draftsman on this matter. Different draftsmen are responsible for different pieces of legislation, as members know. It is perfectly true to say, as Mr. Wise remarked when he complimented the draftsman who drew up this agreement, that he is, perhaps, a different man from the person who will draw up the next. I agree that the agreement appears to be very well drafted but, in doing so, I do not for one moment take credit away from other draftsmen in the Crown Law Department, because each, I suppose, has his own style.

I talked about this matter with Mr. Walsh this morning and I have informed the Chamber of his opinion. I do not think he expressed an opinion in that way merely to wipe off the suggestion put forward by Mr. Willesee, but to try sincerely to explain to me that, in his opinion as a lawyer, sufficient description had been provided to tie the various agreements together when that time comes.

The Hon. F. J. S. WISE: I was heartened by the first sentence expressed by the Minister; namely, that he would refer the matter to the draftsman responsible for the Bill. However, I was most disheartened by some of his subsequent remarks. It is quite easy, of course, if one is judge and jury of one's own case to give a verdict in one's own favour. I say only that I hope the Parliamentary

Draftsman who drafted the Bill will not be as obdurate as the Minister has been on this point.

The Hon. A. F. GRIFFITH: I cannot sit down and take that remark. The man who drafted the agreement is different from the man who drafted the Bill. In fact, the Bill has only two clauses and, in effect simply quotes the title and states, in clause 2, that the agreement is ratified. This has been drafted by a man in the parliamentary drafting section. However, the solicitor who drafted the negotiations in the agreement was a different man. I am not being obstinate at all about this matter, and I will talk to the draftsman in the morning.

The Hon. F. J. S. WISE: In case what I said previously was misunderstood I will repeat that I hope that the gentleman who drafted the Bill, when the matter is referred to him, will not be as obdurate as the Minister appears to be.

Clause put and passed.

Clause 2 put and passed.

Second Schedule—

The Hon. F. J. S. WISE: Members who have compared the original Broken Hill Proprietary Company Limited agreement with this Bill will notice a great deal of difference in the references to responsibilities associated with port and town construction.

The parent agreement, if I may call it that, contains many references, particularly with regard to the provisions which concern Cape Preston, and the building of a railway to that port. These things have been stated very concisely in this Bill by a simple clause which, apparently, is effective. I wonder whether there is any ground for doubting that all the responsibilities associated with the initial proposal for Cape Preston have been transferred entirely to the Cape Lambert area. I assume this has been done and that clause 6 of the schedule makes all the alteration necessary to transfer the development from Cape Preston, or any other port site, to the Cape Lambert area, both on-shore and off-shore. I expect that all of this has been amply covered, but to my mind it appears to be expressed in a very concise form compared with the original agreement.

The Hon. A. F. GRIFFITH: I merely wish to comment that I consider this has been satisfactorily stated. When Mr. Wise spoke to the second reading of the Bill, he said the agreement spells out what will happen and the change which will occur from one place to the other. I do not think there is any ground to doubt that clause 6 of the agreement covers the position.

Second schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ARCHITECTS ACT AMENDMENT BILL

Assembly's Message

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

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. F. J. S. WISE (North) [4.40 p.m.]: The Bill amends the Iron Ore (Cleveland-Cliffs) Agreement Act, 1964. That is the short title of the 1964 legislation. The short title of this Bill is, "Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Act, 1969."

It will enable an agreement, which is changed in some circumstances from the original, to be ratified. The parties to the agreement are the State and Cleveland-Cliffs International Incorporated. In many respects this is a great move, because it will bring to fruition the first stage of a plan to use lower grade iron ore.

This, in turn, will have very many ancillary and beneficial effects, particularly because of the quantity of iron ore which will be available for use. The life of our iron ore will be extended enormously, even though 20,000,000,000 tons are now recorded as known deposits.

Secondly, the agreement will bring two companies together and effect certain economies, even though the companies have varied interests. It will bring about the construction of another railway, the development of a great port, the site for another port, and the town associated with the port.

Perhaps most important of all it will provide for the establishment of a pelletising plant with a capacity of 4,200,000 tons of pellets to start with, and this will be one of the biggest undertakings of its

kind in the world. Indeed, it will be the biggest single pelletising plant outside North America. This is a remarkable thing to be able to say. Such an enterprise will be only a little more than 20 miles from one of the historic towns in this State—the town of Roebourne—and the first capital of the north. Indeed, Roebourne was the first centre in the north-west of Australia to have a magistrate, and it is associated with the town of Cossack nearby, which is steeped in this State's history. Cape Lambert is only a short distance from the established port of Point Samson; in fact, it is within sight of Point Samson.

Before discussing the responsibilities of development associated with the agreement I would like, for a moment or two, to discuss the deposits at Mt. Goldsworthy, Mt. Tom Price, and Mt. Newman and compare them with the deposits at Deepdale and Robe River. The former deposits are of hematite ore and the latter are of limonitic ore. The Bill deals with the deposits at Robe River and Deepdale simply because these deposits are lower in grade and limonitic in type. It is very interesting, I think, that until recent times Japan would not hear of buying anything other than lump high-grade ore. Certainly this position applied since the time the Minister made his visit to Japan—to which he referred—in connection with iron ore proposals and associated matters.

That country did not want low grade ore, and it certainly would not take fines. Also, a few short years ago it would not think of buying pellets. Due to much negotiation at different levels, there has been a remarkable change in the attitude of the Japanese iron ore treatment works. In hematite lump ore there is only a small percentage of fines and, of course, one can naturally assume that fines cannot be treated in blast furnaces because, if they were, nothing would remain.

I am indebted to the Minister for Mines for some information which assisted me greatly in my research in these matters. Hematite lump ore is the ore that is valuable and so much in demand. That is the type of ore that is obtainable from Mt. Whaleback, Mt. Newman, Mt. Goldsworthy, and Mt. Tom Price. On a base analysis, it contains three atoms of oxygen, two atoms of iron, and less than 1 per cent. of water. Although it varies slightly in regard to the fines content, according to the method of transporting—an association of one lump with another—this small percentage of fines being mixed with the lump ore is permissible for export and is not cavilled about.

The ore known as limonitic ore also contains three atoms of oxygen and two atoms of iron, but up to 10 per cent. of water, with a fines component of 30 or 40 per cent. That is nearly the basis of the need, in this Bill, for the contracting by a company to pelletise before export. To ship the fines by themselves would, naturally, be out of the question. To use them in blast furnaces would be wholly impracticable and, therefore, with a treatment plant at the point of despatch, or the port of despatch, processing almost immediately withdraws the 10 per cent. of water, and consequently upgrades the ore considerably. The pellets from these fines, with the water content removed, will be built up to between 62 and 64 per cent. of iron. I am not sure, but I think 68 per cent. is regarded as being pure iron ore.

The Hon. A. F. Griffith: I think it is 70 per cent.

The Hon. F. J. S. WISE: So, by pelletising, it is built up to something that is in world demand, capable, in this form, of being transferred by any means—by land or water—and suitable for immediate processing at the processing stage. So under this proposal this State is able to obtain orders for hundreds of millions of tons, in the ultimate, of lower grade ore and of establishing a great industry in this State.

I repeat that the prospect of establishing within this State the largest plant of its kind outside North America—of 4,200,000 tons capacity—is tremendous. Surveys that have been conducted over several years at Cape Lambert have shown it to be a prospective port site of some importance. It is situated slightly south of Point Samson. Although exposed, the water is very deep, even fairly close to the shore, and hydrographic surveys have shown that underwater pinnacles will not present any difficulty. There are offshore banks which will require dredging. In fact, this is part of the contract in the original Bill; that is, that dredging will be undertaken by the company. Of course, great depths are demanded by the large ships of today.

In 1963 I had the privilege of being aboard the Commonwealth ship *Barcoo* which was then undertaking for the Government a survey of the Cape Lambert area. Not only was the thoroughness with which the surveys were being carried out quite evident, but it was also obvious that it was extremely important to know more of harbours that are only in prospect until such survey work is carried out.

In regard to dredging, local rumours have it that dredging to provide a 7,500-foot wharf will be undertaken by Cleveland-Cliffs, and local rumours are very often correct. In this Bill there is mention that the Cleveland-Cliffs company has submitted a plan for harbour development. It may be the Minister has some information he can give the House in that regard. For local people it will be a very important work, and a matter of great interest in this region of climatic difficulties; a region of cyclones to which all north-western ports are naturally subjected. The work will be conducted in an area of very heavy tide sets; with very

strong easterly winds prevailing for a major portion of the year—from the south-east in particular—which suggests that tugs may be required to be stationed there. I think that is a likelihood in view of the open nature of a port such as Cape Lambert.

On the land side, the terrain is not altogether unpleasant. It is certainly much more attractive than the approach to King Bay, or the new town of Dampier. I hope provision will be made for private ownership. It is very important that there should be provision for private ownership of land in that area, as distinct from company control and ownership. The people of the Roebourne district already have small areas in that region, and I hope their claims and interests will not be overlooked. The effect of the prevailing winds and the inability to divorce the treatment of iron ore from the dust problem is an important point for consideration.

The dust problem is almost a menace to anyone living in the town of Port Hedland. It has to be seen to be believed. Since it cannot be dissociated from a very important and profitable industry, it is something, in an industrial sense, that has to be borne. I think the words of the ex-chairman of the Port Hedland Shire Council are almost profound on this point. As the shire council received many, many complaints from residents about the ineffectivness of dust control and that the dust was a serious hazard to health and living conditions in the area, his response to such complaints was very clear and concise. He said, "I will regard the dust as a menace when it clogs the cash registers."

If we think of that statement in practical terms, and if we are to have an industry—and through the port of Hedland the Hamersley company exports over 11,000,000 tons of iron ore, the Mount Goldsworthy company over 4,500,000 tons, and the Mount Newman company X-tons; it produced 807,000 tons last year which will, of course, increase—we can realise that perhaps the statement made by the ex-chairman of the Port Hedland Shire Council is very apt. In regard to the export of iron ore by the Mount Newman company, the Minister may be able to give us some indication of the tonnage that is being exported by it.

The Hon. A. F. Griffith: That is Mount Newman's figure for three months of operation.

The Hon. F. J. S. WISE: That is right, in that financial year. Mount Newman will be an enormous project, but when we consider the money that all these mining projects are bringing to this State, and to Port Hedland, the ex-chairman's comment, as I have said, is perhaps very apt. In other words we have to put up with a great many disabilities to enjoy such a remarkable response. While speaking in this vein, I hope, most earnestly, that the interests of the local people will be considered; that the experience of Port Hedland—which has been serious to those who have enjoyed different and much better conditions—in having to tolerate the dust nuisance, will be given the utmost consideration.

I do not wish to delay the Bill. One could speak of matters which appear in the Bill, and which are relevant in association with the other Bill which has just passed through this House. There are one or two matters to which I shall draw attention in Committee and which are directly associated with the two Bills, but for the time being we should be most concerned and feel considerable satisfaction over the fact that Cleveland-Cliffs have at least been able to get off the ground in association with one of the greatest companies in Australia's history; that it is to make use of an iron ore deposit that is not capable of being used or exported in any way other than by pelletising, and that it will be associated with a gigantic plant the like of which can only be found on the shores of Lake Michigan.

Although depriving Onslow of something it anticipated when Cape Preston was being investigated—that is, when B.H.P. made an intensive survey of the prospects of using Onslow as a port—I hope, in a district sense, there will be great satisfaction in this development, and that the State will benefit materially from the wealth it will bring to us within the next half-dozen years. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.59 p.m.]: I thank Mr. Wise for his comments. There is no doubt, of course, that Cleveland-Cliffs have had difficulties along the way, but now the coast seems to be clearer from the point of view of development. As Mr. Wise has indicated, a pellet plant ultimately capable of turning out 4,000,000 tons of pellets a year is indeed a tremendous industry which, as the honourable member explained, will create so many opportunities for the people of Western Australia in so many different ways.

From time to time, changes have had to be made. The comment that was made by the ex-chairman of the Port Hedland Shire Council, as quoted by Mr. Wise, takes my mind back to the time when he and I visited Mt. Goldsworthy in the earlier days, just before we concluded negotiations for the development of Mt. Goldsworthy, and the decision of Mount Goldsworthy associates to change the port site from Depuch Island to Port Hedland.

I think Angus Richardson was just as much to the point in the days, when he made the remark to which Mr. Wise referred, as he was when, in respect of Depuch Island, he said to me, "I am disappointed but Port Hedland will get some

of the reflected glory." A change took place and now Port Hedland is a very busy port.

I would venture to suggest that people who know the north much better than I do would probably never have conceived that Port Hedland could reach the point of development that it has reached today. I think, too, it might be worth while to make a comment that the ore that is to be developed by the arrangement with Cleveland-Cliffs—the limonitic ore—is the same type of ore that was found at Scott River. We had great hopes and aspirations in regard to Scott River. We thought it was a rather good looking deposit which would provide for a pellet plant in the south of the State. One of the reasons for this was, of course, that in those days we did not know of the enormous quantities of ore that existed in the Pilbara and other places. There is no doubt that as a result of the discoveries in the Pilbara the Scott River project simply paled into insignificance. It would not have been economic to proceed with it because it could not have stood up to the projects entered into as a result of the ore subsequently found to exist in the north.

Mr. Wise also sought some information in connection with port development at Cape Lambert. At this stage it would be premature to state the exact way in which Cape Lambert will be developed either as a railway terminal, a stockpile area, a pellet processing area, or as a port. It is true that the company has certain proposals in mind and these have been put before the Government's engineering experts for consideration in the light of the agreement. The objective is to provide for the Robe River and Deepdale requirements in the initial stages, but having a full regard for the maximum potential development of the area both as a harbour and as a terminal for all the things that are necessary, such as railways, stockpiling, processing, and the like.

For this reason there is provision in the agreement, firstly, for the Robe River-Deepdale requirements to be submitted to and approved by the Government. It is in respect of these developments, and the final approval, that B.H.P. will have a right to exercise an option. The second phase is the development of the balance of the area with specific emphasis on the total potential and, indeed, the requirements of Robe River and Deepdale and B.H.P.-cum-Dampier.

Our engineers are mindful of the importance of locating the wharves as well as the approaches to the area in such a way that the maximum potential can be developed. Likewise, they are studying the landward side of the harbour with the same ideas in mind. From this it will be deduced that it is the Government's view that the Cape Lambert area will be used by more projects than the Deepdale-Robe River project, but at this stage it is premature to be specific. The important point to bear in mind is that this project is to ensure that each development has regard for the maximum potential use.

Another point that the engineers are bearing in mind is the prospect that one day the facilities of the Cape Lambert and the Dampier areas will need to be interlocked for reasons of greater security and maximum potential growth. All of this adds up to the fact that our advisers —as well as the Government itself—are not unmindful of the future needs of projects other than the existing ones.

As regards townsites, the policy is to endeavour to locate them out of sight and sound of the works, but it is proving very difficult to get them out of the reach of dust. It is unfortunate that iron ore projects are dusty works but, wherever practicable, the townsites are placed out of sight and sound of these works so that employees can enjoy the maximum home comforts when they return home from work. At this juncture we have not been able to decide where the townsite will be established finally for the men who will work at Cape Lambert.

Commenting on the overall, I think it does one's heart good to see the standard of equipment and housing provided under these agreements by the companies for the people who work for them—I would say this is particularly true at Dampier. It has been turned into a very fine site and this is where all Hamersley's ore is shipped.

I think that covers all the points raised by Mr. Wise. During his speech he gave us a good deal of information about the different types of ore, and I think it is to the credit of this combination of companies that the limonitic ore, which is difficult to sell on the highly competitive world markets, will be treated instead of lying idle as, in a geological sense, it has done for such a very long time. I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1: Short title—

The Hon. F. J. S. WISE: Further to points raised on two other Bills today, I draw attention to the short title of this

measure and to the short title of the parent Act. The short title of this Bill reads as follows:—

Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Bill, 1969.

The short title of the parent Act to which it relates is—

Iron Ore (Cleveland-Cliffs) Agreement Act, 1964.

I think sufficient is said.

The Hon. A. F. GRIFFITH: What has been said is, of course, perfectly true and the explanation is that the agreement attached to this Bill amends the principal Act and nothing else.

The Hon. F. J. S. Wise: And so does the other one.

The Hon. A. F. GRIFFITH: It amends it in part. It provides for a new agreement substantially and amends the other one in part. I know neither of us can win on this point.

The Hon. F. J. S. WISE: In case any wrong conclusion is drawn from that statement I will, with your permission, Mr. Chairman, refer to clause 14 of the schedule to the Iron Ore (Dampier Mining Company Limited) Agreement Bill, which cites many provisions of the principal agreement in the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act, 1964, and amends them in the same sort of particulars as the clause in the schedule to this Bill amends the parent Act.

The Hon. A. F. GRIFFITH: In the time I have been here I have learnt that when one has general support for a Bill one does not hold it up by stonewalling it oneself.

The Hon. F. J. S. WISE: I hope the Minister's memory is sufficiently good when, with this Bill in his hand, next week he approaches the door of the Solicitor-General or the draftsman.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Second schedule added—

The Hon. F. J. S. WISE: May I discuss the schedule on this clause, Mr. Chairman?

The CHAIRMAN: The honourable member may do so.

The Hon. F. J. S. WISE: I draw attention to page 6 of the Bill and to a simple amendment in subclause (2) which reads—

Clause 5 is amended by deleting subclause (5).

That simple sentence takes out of the principal Act some four pages associated with the development of an area of land near Cape Preston, and it has reference to the port of Onslow. In doing so it takes out mention of very many responsibilities relating to rail and road access associated with a new proposal at Cape Lambert. I am hoping that the references to the responsibilities, transferred from the Cape Preston area, cover all the necessary obligations formerly associated with the development of Cape Preston and, indeed, to be associated with the development of Cape Lambert.

On page 5 of the Bill there is a reference to an amendment to clause 1 of the principal agreement by the deletion of the words "Cape Preston" and the substitution of the words "Cape Lambert." Also there is a reference to the definition of the company's wharf, which applies now to the Dampier company and its responsibilities under the joint agreement.

I would assume that that short amendment, taking out the whole of subclause (5) of clause 1 of the agreement in the parent Act, will suffice to meet all the responsibilities now associated with the development of Cape Lambert.

That is the only comment I have to make on the schedule but it is obvious I have had a fairly good look at it and its relationship to the original agreement. It is voluminous, but I think the point is covered in clause 4 on page 5 of the schedule.

The Hon. A. F. GRIFFITH: The obligations under the principal Act in respect of Cape Preston no longer have to be fulfilled, because the combined company is now going to Cape Lambert. The agreement we ratified in the Bill prior to this one—as was stated by Mr. Wise—spelt out the obligations in respect of Cape Lambert.

There is no purpose in leaving in the principal agreement these obligations in respect of Cape Preston, but by deleting the words "Cape Preston" and inserting the words "Cape Lambert" the rest of the obligations in the original agreement will stand in respect of the development of Cape Lambert.

As far as Cape Lambert is concerned, I understand the company is under an obligation to submit to the Government its plans for port development and is currently in the process of doing so.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

House adjourned at 5.17 p.m.