We are looking very closely at their requirements and we hope we can formulate a plan very soon so that they and others in nonprofit-making organisations might take advantage of guarantees.

I thank the honourable member for his remarks which have been noted, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Davies (Minister for Health), and transmitted to the Council.

House adjourned at 5.56 p.m.

Legislative Council

Tuesday, the 15th May, 1973

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

MINING ACT AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

QUESTIONS (5): ON NOTICE

1. LONG SERVICE LEAVE

Applications to Industrial Commission

The Hon. A. F. GRIFFITH, to the Leader of the House:

During the last five years what applications have been made to the Industrial Commission to amend Industrial Awards or Agreements in the matter of Long Service Leave provisions?

The Hon. J. DOLAN replied:

In 1967, an application for Long Service Leave of 13 weeks after 10 years service was claimed by Unions who were parties to a new Iron Ore Mining Award. The claim was based on the Long Service Leave arrangement granted by the Western Australian Court of Arbitration in the Iron Ore Mining (Yampi Sound) Award in 1956. This claim was successful.

Since that decision only one application (in 1969) for amended Long Service Leave entitlements in a proposed new award to have application to workers employed in the Iron and Steel Industry at Kwinana was argued before the Western Australian Industrial Commission. This claim was argued on the grounds that the more favourable entitlements prescribed under the Iron Ore Production and Processing Award should be applied to a group of workers employed in a different, though related part of the iron processing industry. When issuing the new award in February, 1971, the Commission refused the claim. The decision of the Commission was as follows:—

> "I have not been satisfied that I should, on this occasion, depart in this award from the standard Long Service Leave provisions"—which referred to those provisions included in an earlier existing general consent agreement having application to private industry awards in Western Australia between the respective employer and employee organisations and not to a previously argued application before the Court.

2. BRUCELLOSIS

Eradication Campaign

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

(1) If, as was stated in the reply to my question of the 8th May, regarding Brucellosis eradication, that the testing of blood samples is placing some limitations on the programme—

(a) how many laboratory staff are employed;

(b) how many additional staff would be required to test all cattle in the State within the next two years;

(c) what would be the annual cost of salaries for this additional staff;

(d) what qualifications would this additional staff require;

(e) what efforts have been made to obtain this additional staff;

(f) what extra equipment and laboratory space would be required for this staff;

(g) what would be the cost of this added equipment and space?

(2) Are there any new developments on the testing of blood samples which could be utilised to step up testing of samples?

(3) Are Government veterinarians and private practitioners currently testing for T.B. and not taking blood samples for C.A. at the same time?

(4) Until the Government is able to increase its blood testing facilities could other Government departments or private enterprise carry out testing of blood samples for C.A.?

(5) As these properties had to be clean mustered for these T.B. tests, would it not be more convenient for the farmers concerned and more economic for the Government to do both tests on the same visit?

(6) Is the Minister aware that some farmers were willing to pay private veterinarians an extra fee to take blood samples for C.A. but the department would not accept further samples?

The Hon. J. DOLAN replied:

(1) (a) 8 at South Perth.
3 at Bunbury, one of whom is on a part time basis.

(b) The brucellosis programme has never envisaged the testing of all cattle in the State within the next two years.

The programme is based on the identification of infected breeding cattle through the abattoir traceback system and the eradication of infection in herds under quarantine. The certification of herds as free of brucellosis is a further but secondary activity.

No additional staff is required as far as the testing of Infected Area cattle and Protected Area cattle which may be identified as brucellosis affected by abattoir traceback or are considered to be at risk, is concerned.

(c) to (g) Answered by (b).

(2) Yes. Appropriate equipment has been included in the Veterinary Services estimates for 1973-74.

(3) and (5) Where appropriate or when brucellosis certification is sought in a herd which is due to be tested for tuberculosis, the collection of blood samples is carried out at the same visit.

(4) Although other laboratories could carry out such testing, it is not considered that the programme warrants this approach. Attention is again drawn to the fact that laboratory facilities are being increased on a continuing basis to meet testing needs.

(6) The Hon. Member has already been informed that blood samples may be accepted in such circumstances provided prior arrangements have been made and laboratory capacity at that time is not otherwise committed.

3. ABORIGINES

Welfare: Select Committee

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

(1) In view of this Government's unsuccessful attempts to obtain a Royal Commissioner for the investigation of the welfare of Aborigines in Western Australia, and further indications of the need for a Federal Committee to investigate the Aboriginal problems as expressed by the Minister for Aboriginal Affairs, will the Minister request Cabinet to reconsider the benefits of a Select Committee above those of a Royal Commission as suggested in this House in past debates?

(2) If the Cabinet concurs, will the Minister advise me of the decision so the previous motion on the subject may be re-submitted to the Legislative Council?

The Hon. R. THOMPSON replied:

(1) and (2) Following unsuccessful attempts to obtain the services of a Judge from the Commonwealth and the State of South Australia, the Government is endeavouring to secure one from the other States.

Until it is established that a Judge is unavailable, it is not intended to consider any other form of inquiry than that originally contemplated.

4. GERALDTON HIGH SCHOOL

Hall-Gymnasium

The Hon. J. HEITMAN, to the Leader of the House:

As Geraldton Senior High School, which has been established for 34 years with a current enrolment of 1,330 pupils, is the oldest and largest Senior High School without a hall gymnasium, will the Minister for Education in compliance with his letter to the Editor of *The West Australian* on the 5th May, 1973, in which he concluded "The Government will adopt, however, a policy of basing its provision on a needs basis, together with the number of years in which the school has functioned without such facilities", make

every effort to see that this school receives a hall gymnasium in 1974?

The Hon. J. DOLAN replied:

It it not possible to provide a hall/gymnasium in the 1973-74 financial year. It is anticipated that this work will be undertaken in the following financial year.

5. SHOPS

Part-time Assistants

The Hon. R. J. L. Williams for the Hon. I. G. MEDCALF, to the Leader of the House:

(1) What are the permitted hours of work of temporary or part-time shop assistants in the Metropolitan area?

(2) (a) Are the hours fixed in terms of clock times; and

(b) if so, what are the times?

(3) What is the reason for fixing certain hours or times?

(4) (a) Can these hours, and times be varied; and

(b) if so, how?

The Hon. J. DOLAN replied:

PART A.

(1) All answers relating to these questions are those as prescribed by the Shop Assistants (Metropolitan) Award for Part Time Workers. The conditions for casual workers are entirely different.

Only Adult Female Workers may be employed as Part Time Workers.

Part Time Workers may be employed for a maximum of three consecutive hours on any day or days Monday to Friday inclusive between the spread of hours—

11.30 a.m. and 2.30 p.m.
8.30 a.m. and 12.30 p.m.
1.30 p.m. and 5.30 p.m.

(2) (a) Yes.

(b) As above.

(3) These provisions were consent amendments to an award between the respondent and applicant Union, the reasons are not known. However, it is known that the Shop Assistants (Metropolitan) Award No. 41 of 1961 was amended on 30th March, 1973, to apply from the beginning of the first pay period commencing on or after the 27th day of April, 1973.

(4) (a) and (b) Only by the negotiation of new award conditions as between the employers and the Union.

PART B.

(1) Casual Workers—include males, females and juniors. Under the relevant Award, casual workers shall not be engaged for or paid for less than one day on any day other than the weekly half holiday and three hours on the day of the weekly half holiday, and shall be paid a loading of 15 percentum. A casual worker may be employed for less than one day, but not less than four hours and shall be paid a loading of 25 percentum in addition to the rates prescribed. This provision does not apply to a casual worker employed on the weekly half holiday.

In Exempted and Theatre shops, special hours apply in respect to the minimum period of engagement and carry a loading of 15%. In Refreshment and Sandwich Supplies, the loading is 25%.
Clause 29 Saturday Work—if a casual worker is employed on any day in addition to the Saturday morning before 12 noon, the worker shall receive in addition a flat loading of—

	$
Adult Males	1.60
Adult Females	1.30
Junior Workers	1.10

(2) (a) No. The Award only prescribes a minimum period of engagement.

(b) Answered by (a).

(3) Similar answer to (3) applying to Part Time Workers.

(4) (a) and (b) Yes. But only by negotiation or amendment of the Award.

RAILWAY (COOGEE-KWINANA RAILWAY) DISCONTINUANCE BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. J. Dolan (Leader of the House), and read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.5] p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks the approval of Parliament to the closure of a section of the Coogee-Kwinana railway from a point at Coogee to the Alcoa Refinery at Kwinana, a distance of approximately 4 miles 25 chains. It is proposed that alternative narrow gauge rail connection between Fremantle and Kwinana be provided by the addition of a third rail on the existing standard gauge track between Cockburn and Kwinana, converting it to dual gauge.

Consideration previously had been given to the closure of this section of the Coogee-Kwinana narrow gauge railway in respect of general development in the area. Action had not been taken as there was no immediate requirement for any development. The position now is that, following negotiations by the Department of Development and Decentralisation with Transfield (W.A.) Pty. Ltd., the company has agreed to establish a construction works to build a semi-submersible oil drilling rig.

On the 19th April, 1972, Transfield tendered for the fabrication of a semi-submersible oil drilling rig, the *Ocean Endeavour*. The project, worth some $20,000,000, involves the fabrication of an offshore exploration drilling platform for launching in October, 1974, with the possibility of a further rig beyond that date. The rig will be constructed on a concrete platform adjacent to a launching hole 30 feet deep and when fully fabricated will be surrounded by a temporary wall 30 feet high. When finished, the area within the wall will be filled with water to float the platform—which has a draft of 27 feet—from the construction pad to place it over the launching hole.

The water will then be pumped out, leaving the rig afloat in the launching hole with the water at sea level. A cut to the sea will then be dredged and the rig towed out for delivery.

In June, 1972, Transfield envisaged the use of land near the B.H.P. jetty in Cockburn Sound but, in September, advised that land near Woodmans Point would be more suitable, due to the possibility of several rigs being involved.

Cabinet approval of the Woodman Point site was obtained on the 11th September, 1972. It was envisaged by Transfield that 9.6 hectares would be required, and this was available bounded by the main sewer line, the railroad, and the beach.

On the 28th November, Transfield proposed a four-stage development requiring more land than previously—13.3 hectares for stage 1 up to a total of 35.9 hectares for stages 1 to 3.

In resolving the leasing of the additional land area from the Commonwealth, it became apparent that the Metropolitan Water Board sewer outfall and a Cockburn Cement line would encroach on the site. To move the sewer line, a sum of approximately $270,000 was involved. The site was then replanned to enable its use by lowering the sewer line several feet, and orienting the activity across the line with construction on one side and the launching pond to the south to produce access to the sea.

To obtain sufficient width, it then became necessary to move the railway line. The W.A.G.R. advised that long-term plans to remove this section of line and replace it with dual gauge over the standard gauge section existed, and suggested examination be made for the removal of the line altogether. Consideration of this issue and the fact that Transfield already bears the cost of the sewer line adjustment, which is substantial, led to agreement that the removal be recommended.

A major consideration throughout the negotiations with Transfield was the need to actively ensure that the project would remain in the State to provide employment for up to 600 people. Transfield directly proposed removing it to New South Wales during the negotiations when difficulties were encountered with regard to making available the land area required.

Additional gains made are—

(a) the area, which reverts to the State for recreational purposes in 1976, will be free of rail line and sewer line near the surface which can allow the launching hole left by Transfield to be easily developed as a marina,

(b) removal of the rail line frees the land south of the site (owned by the Industrial Lands Development Authority) from an impediment.

Transfield's construction programme requires that the line be removed by the end of July this year to enable it to proceed with the preparation of the construction site.

The closure of this section of railway, and the addition of a third rail to the existing standard gauge line between Cockburn and Kwinana, would be undertaken ahead of future railway planning as there is no immediate railway requirement for the work. This current proposal is to meet the land requirements for the oil drilling rig construction site.

The estimated cost of the work involved is $244,000 and the source from which this should be funded has not yet been determined, but to meet the urgency of the project the Commissioner of Railways has agreed to meet the cost of the work from railway finances until a final determination is made.

Closure of the 4 miles 25 chains of line will not be detrimental to any existing establishments. At one end of the line at Coogee, a spur line will remain to service the explosives area at Woodman Point. Also, at the Kwinana end a spur line will remain for the benefit of Alcoa.

As required under section 21 of the State Transport Co-ordination Act, the Director-General of Transport has examined this line closure and provision of alternative narrow gauge rail connection between Fremantle and Kwinana by providing a third rail on the existing standard gauge line between Cockburn and Kwinana and has recommended that the proposal should be agreed to.

I will table a copy of the report of the Director-General of Transport, together with a copy of the plan No. 65797 of the Civil Engineering Branch of the W.A.G.R., which shows, delineated in red, the section of line to be closed.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. V. J. Ferry.

The report and plan were tabled (Paper No. 142).

HOSPITALS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. Thompson (Minister for Community Welfare), read a first time.

CITY OF PERTH ENDOWMENT LANDS BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.06 p.m.]: I move—

That the Bill be now read a second time.

This Bill comprises only seven clauses: the first merely providing a title and the second clause providing that the Act will come into effect on a date to be fixed by proclamation.

Clause 3 provides for the repeal of the Acts listed in the schedule. These are the previous City of Perth Endowment Lands Acts of 1920, 1936, and 1970.

Clause 4 contains definitions and distinguishes between endowment lands being part of Swan Location 1911 and the land purchased by the council and known as the Lime Kilns Estate. It also defines the repealed Act as the City of Perth Endowment Lands Act, 1920-1970.

Clause 5 provides that nothing in this Act affects the boundaries of the municipal district of the City of Perth.

Clause 6 provides that the council may sell any of the land contained either in the endowment lands or the Lime Kilns Estate and that section 266 of the Local Government Act is not applicable.

Clause 7 contains the main provisions of the Bill. In subclause (1) (a) and (b) it is provided that money invested under the provisions of section 39 of the repealed Act and the money, the proceeds of future sales of land, shall be vested solely in the council.

Subclause (2) of clause 7 provides that the moneys so referred to may be spent on capital works as listed or in any work or undertaking of a capital nature approved by the Minister; and subclause (3) provides that sporting facilities built from such funds shall not be leased to anybody or person for exclusive use.

The original Act provided that the proceeds of the sale of endowment lands must be spent entirely in the endowment lands area. However, this has not been done because the council treated the endowlands, the Lime Kilns Estate and reserve 16921 as a single area for accounting purposes. The amendment of 1970 was designed to validate the practice which had existed, but this amendment still provided that the proceeds of the sale should be used in the development of the "said lands" as defined in the original Act.

Considerable changes have occurred in the area since 1920, and the requirement that the funds raised from the sale of land should be spent in the area envisaged the expenditure on capital items such as tramways. This was not done and, therefore, the necessity for the original provisions of the Act no longer exist.

By repealing the present endowment lands Act—it restricts the valuation of land to the unimproved value system—the council will be able to utilise the annual value method which applies to the remainder of the municipality. It is true that under the annual value method the more improvements effected on any particular property the greater the valuation, but this is at present applicable throughout the whole of the residential area of the remainder of the City of Perth.

There are many anomalies at present in respect of the existing provisions which provide for rating on the unimproved value in the Floreat Park-City Beach area, and perhaps the greatest anomaly is in the respective rating of the hotels at Floreat Park and Wembley.

It has been suggested that it is not unusual for the two systems of valuation to apply within the municipal district, but it is emphasised that generally where the two systems are in use different types of development and land use are present, such as in rural districts where annual values are applied in towns and unimproved values on farming properties.

The Town Clerk, City of Perth, has been asked to comment on some of the assertions made in respect of this Bill; and the following is an extract from his letter—

> In his speech, Mr. R. L. Young, M.L.A., asserted that people bought land in the endowment lands area 'on two clear conditions . . . firstly, they understood and were given an absolute guarantee that they would be rated on the unimproved capital value basis, which meant that they could improve their land to any extent they wished and, regardless of the fact that they may build a castle or whatever on their land, they would not be increasing the amount of money they had to pay to the Perth City Council for rates. Secondly, they were assured that they had to buy land at a very

high price knowing that the money they spent on the land would be put back into the area under contract.'

These remarks arise from sections 7 and 39 of the City of Perth Endowment Lands Act. Section 7 requires that the endowment lands shall be rated on the unimproved capital value and section 39 requires the proceeds of sale to be expended on the development of the area. Until recently, brochures advertising the sale of land indicated that the land would be rated on the unimproved capital value system.

The degree of significance placed by purchasers of land upon the rating system and the fact that the proceeds of sale were required to be spent in development of the endowment lands is not known.

It can, however, be shown that a considerable number of properties in Floreat Park and City Beach have changed hands, thereby nullifying, to some extent, the allegation that the council is "dishonouring its contracts".

The change in the rating system was promoted by the council because of the anomaly which exists whereby eight of the nine wards are rated on the annual value system.

The Hon. A. F. Griffith: The change in the system was desirable because there was $1,000,000 belonging to somebody else to be spent.

The Hon. R. H. C. STUBBS: To continue with the comments of the town clerk—

It was believed that unification of the rating base was desirable.

Variations in the amount of rates assessed occur in streets which are common boundaries between the areas rated on the different systems. The most striking contrast by far is illustrated by a comparison of the rates payable on the Floreat Hotel and the Wembley Hotel—

	Valuation	Rate in $	Rates Assessed
Floreat Hotel (U.C.V.)	120,000	1.3c	$1,560.00
Wembley Hotel (A.V.)	21,518	17c	$3,658.06

The same disparity would be evident if comparisons of other business premises were detailed.

The Hon. A. F. Griffith: What about private premises?

The Hon. R. H. C. STUBBS: To continue—

Undoubtedly a change in the rating system for the endowment lands would result in some property owners paying higher rates but others would pay less. The overriding benefit would be the removal of anomalies brought about by the contemporaneous use of the two systems.

The second part of the alleged breach of contract centres upon the theme that people bought properties knowing that the proceeds of sale of endowment lands were required to be spent in development of the area. The assumption to be made is that the value of private properties would be enhanced because of the expenditure by the council.

The Hon. A. F. Griffith: That is an assumption. The law provides that it shall be so.

The Hon. R. H. C. STUBBS: To continue—

As previously mentioned, it cannot be determined with any certainty to what extent purchasers were influenced by this aspect. In all probability, not many knew of the provisions of section 39 because it is only in the last two or three years that it has attracted attention.

Indeed, it was not until during the 1969-70 financial year that the accumulated proceeds of sale exceeded the aggregate developmental expenditure. Since inception in 1920, the excess of expenditure rose as high as $1,396,946.

The facts that the funds for the development were made available from the ordinary revenue of the council has not been commented upon or disputed.

I commend the Bill to the House.

The Hon. A. F. Griffith: Before you sit down, are your members tied to vote for this Bill?

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

SCIENTOLOGY ACT REPEAL BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.15 p.m.]: I move—

That the Bill be now read a second time.

When Mr. Davies became the Minister for Health an undertaking had been given that the Government would have a look at the future of scientology.

Mr. Davies has had a close look at scientology on a worldwide basis and has considered its effects within Western Australia and within the Commonwealth. He has also given consideration to the Church of the New Faith, which is another name for scientology and which flourishes within Australia.

From time to time the Minister has taken the avenues available to him to try to assess whether or not any action needed to be taken by the Government to reverse what was done by Parliament in 1968.

The matter was taken to Cabinet on three occasions. In June, 1971, Cabinet was advised of the action being taken in regard to investigating the problem. Early in 1972 Ministers discussed in Cabinet the report submitted by Dr. Ellis to the Minister—which has been tabled in Parliament—and later the Minister submitted a further minute to Cabinet recommending that the Scientology Act, 1968, be repealed.

I will table a copy of the report in this House for the benefit of members generally, and in particular, for the benefit of the honourable member taking the adjournment of the debate.

Since taking office, Ministers have received a number of letters seeking the repeal of the Scientology Act.

The Minister received from the Church of the New Faith a considerable number of documents outlining the activities and beliefs of the church and the changes which had been made since 1968 when the legislation was enacted.

The argument which most impressed the Minister was that a prosecution under the Act is not likely to succeed. Members are aware that following Police Court convictions in either late 1968 or early 1969, the scientologists made a successful appeal to the Full Court. Following that successful appeal the Crown Land Department wrote a letter, and I think it is necessary for the record, that I read it. The letter is dated the 8th April, 1970; it is addressed to the Commissioner of Police by Crown Prosector Ron J. Davies—not to be confused with the Minister for Health—and it reads—

> The Commissioner of Police:
>
> Re: Scientology Act, 1968
>
> Recent consideration of the above Act by the full court on the hearings of the appeal instituted by the Hubbard association of scientologists international has highlighted certain difficulties related to proof of charges under the Act.
>
> The fundamental problem is that, nothwithstanding its long title, ("an Act to proscribe the activities of the body known as the Hubbard association of scientologists international . . ."), what the Act really purports to prohibit is the practice by way of application (and other activities in relation to) a system of thought.
>
> The system of thought, described as "scientology" is defined by reference to the writings and utterances of one Ronald Lafayette Hubbard as disseminated by a company incorporated in Arizona. Such a definition is impossible to satisfy by means of evidence legally admissible in a court of law, if for no other reason than that the writings and utterances of Hubbard cannot be strictly proved. No further evidence available or likely to be available to police officers would assist in rectifying this default.
>
> Nevertheless, since the activity to which the Act is directed would appear to be that defined it is not readily apparent what alternative form of definition could be used in the Act in order that it might still achieve its declared purpose whilst at the same time overcoming the evidentiary obstacles inherent in the present definition.
>
> There remains the offence under section 4 of the Act of using or applying to another person a galvanometer, which offence does not, of course, involve proof of "Scientology" as defined. For this reason a prosecution under this section should be successful if appropriate evidence (perhaps in the form of information from a person formerly involved in the practice of Scientology) were to become available at any time.

As a result of the consideration of the advice by the C.I.B., the then Inspector, and now Superintendent, John Parker advised Superintendent Nielson to the following effect—

> This matter was referred to the Chief Crown Prosecutor, Mr. Dixon, and Crown Prosecutor, Mr. Ron Davies, who have examined the position at length.
>
> It was apparent before the prosecution that because of the terminology used in the Act there would be considerable difficulty in proving that the brand of Scientology was that of Ronald Lafayette Hubbard, now in England, as disseminated by a company incorporated in Arizona.
>
> Although we were able to produce in court masses of documents and books allegedly being distributed by a Ronald Lafayette Hubbard, he said, we could not positively establish that this man was identical with the man of the same name quoted in the interpretation of the Act.
>
> It is impossible to overcome this serious deficiency by evidence available in this State.

The Inspector pointed out that this contention was supported by the Crown Prosecutor, there being no evidence available, or likely to ever be available, to police officers which would remedy this inherent defect.

The only offence we could reasonably prosecute under this Act, he said, is under section 4, the use of galvanometers, if there is sufficient evidence, but he understood that the Crown Law Department did not intend to recommend any amendments to the Act and under the circumstances he did not consider the Police Department should attempt to amend the Act either.

There were 15 charges before the Police Court which were adjourned *sine die* pending the result of the appeal to the Full Court.

All the exhibits put in at the hearing were still being held at the Crown Law Department and it was suggested that all charges be withdrawn and the exhibits returned to the scientologists.

In his resultant report to the Commissioner, Superintendent Nielson generally confirmed the position. The Commissioner of Police then wrote to the Under-Secretary, Crown Law Department, drawing attention to the reports and recommended that the 15 charges be withdrawn, and the association's documents seized under search warrant and currently held by the Crown Law Department be handed over to the association upon application.

The letter from the Commissioner of Police to the Under-Secretary, Crown Law Department, was dated the 14th April, 1970. I am advised that the documents were returned to the Church of the New Faith—or the scientologists—on the 5th May, 1970, some three weeks after the date of the letter to which I have just referred. Eventually the charges were withdrawn on the 10th March, 1972—even though it was recommended that they be withdrawn almost two years previously. That is the history of scientology at that time.

Before making any recommendation to Cabinet, the Minister wanted to know whether or not the Police Department had given any further consideration to the problem; whether any further complaints had been received; or whether any person had been concerned about the activities of the Church of the New Faith.

Following discussion with the Minister for Health, Superintendent Parker made this report to the Commissioner of Police—

> On the 5th September, 1972, as requested, I interviewed the Minister for Health, Mr. R. Davies, and had a discussion regarding the Scientology Act.
>
> The Minister desired to know what we considered was of value in the existing legislation.
>
> I informed him that the Act, as now in operation, was of little value and that it did little to control the scientology cult. The only section which had any weight and was enforceable was the use of E-meters or galvanometers. The use of these machines was considered to be most objectionable when the Act was originally proclaimed. In my opinion there still should be some control over the use of these machines.
>
> The Act in its present form is almost a copy of existing legislation in Victoria, which has also proved to be ineffective.
>
> It is difficult to prove a charge under this particular Act because there is insufficient definition of a type of scientology. The Act originally outlawed the scientology of Hubbard, but to prove that this type of scientology was being practised in W.A. was practically impossible without Hubbard himself coming to this State and admitting the facts.
>
> I consider that the legislation should be rescinded.
>
> I recommend therefore—
>
> (a) that the Scientology Act be rescinded; and
>
> (b) that section 4 relating to the use of E-meters be included in the Health Act.

The Commissioner of Police sent a supporting report to me. I referred the matter to the Minister for Health who sought the opinion of the Commissioner of Public Health regarding the inclusion of the prohibition on the use of E-meters in the Health Act. His reply was that there was no point in so doing.

On the 29th September, Cabinet agreed that the legislation be repealed and the Bill is now before Parliament.

Since scientology was banned in this State in 1968 no other country in the world, as far as can be ascertained, has taken action to ban scientology. It is true that inquiries have been conducted in New Zealand, Britain, and South Africa. Scientology operates in Canada, America, Europe, Africa, New Zealand and some of the Mediterranean countries.

I hope the House does not interpret this Bill as meaning that the Minister for Health is wholly in favour of scientology.

There has been a move to repeal the Act in South Australia and in this connection I refer to the Foster Report, which was produced by a single man inquiry into the practice and the effects of scientology in Britain. Members might recall that people who travelled to Britain in order to undertake a course in scientology were not allowed into the country if they stated it was their purpose to take that course. Sir John Foster recommended that this practice should be repealed.

Before I conclude, I would like to read to the House paragraph 262 of Sir John Foster's Report. It reads as follows—

> 262. Finally, I should say that I disagree profoundly with the legislation adopted in both Western and South Australia, in turn based on part of that adopted in Victoria, whereby the teaching and practice of *scientology* as such is banned. Such legislation appears to me to be discriminatory and contrary to all the best traditions of the Anglo-Saxon legal system. I cannot see any reason why

scientologists should not be allowed to practise psychotherapy if they satisfy the proposed professional body that they are qualified to do so, that their techniques are sound, that their practitioners receive adequate training and operate under a stringent ethical code, and that there is no hint of exploitation. If it is indeed, as they claim, "The first thoroughly validated psychotherapy", the profession will welcome them with open arms. And should its governing body decide, as has been done in many professions, that it is unethical to advertise for patients or to make unqualified claims to cure, I have no doubt that the scientology leadership, if its sincerity is genuine, will be happy to conform to those standards.

Sir John Foster was appointed by the House of Commons and given terms of reference to inquire into the matter: And he reported to the Secretary of State for the Social Services.

I want to make one other point which is in regard to an inquiry conducted in New Zealand. The following quotation is from a document signed by the chairman of the commission of inquiry. The document deals with the code of reform and at the top of it appears, "Wellington, June 1969." This extract reads:—

> The commission feels that for the future scientology should regard as indispensable certain rules of practice. These are:
>
> (1) No reintroduction of the practice of disconnection.
>
> (2) No issue of suppressive person or declaration of enemy orders by any member of a family.
>
> (3) No auditing or processing or training of anyone under the age of 21 years without the specific written consent of both parents: such consent to include approval of the fees (which shall be specified) to be charged for the course or courses to which the consent is applicable.
>
> (4) A reduction to reasonable dimensions of "promotion" literature sent through the post to individuals, and prompt discontinuance of it when this is requested.
>
> If scientology in New Zealand has regard to these rules of practice no further occasion for Government or public alarm should arise in respect of those of its manifestations with which this inquiry was concerned.
>
> GUY POWLES,
> Chairman.

I understand that Mr. Powles is now the New Zealand Ombudsman.

In support of this Bill, it may be stated that if an individual or the adherents of any faith break the law there are civil and criminal remedies that may be invoked to enforce the law.

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

The report was tabled (see paper No. 143).

EDUCATION

Boarding Allowances: Motion

Debate resumed, from the 10th May, on the following motion by The Hon. W. R. Withers—

> That in the opinion of this House, the Commonwealth living-away-from-home allowances for isolated students to which a means test is applicable, unfairly discriminate against parents with incomes which are necessarily above the means test in remote areas with high costs of living. Accordingly, this House recommends the restoration of the State's living-away-from-home allowances to supplement those from the Commonwealth until such time as the Federal Government abolishes the means test.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [5.32 p.m.]: When the Leader of the House spoke last week in reply to Mr. Withers' motion, he gave an undertaking to have certain matters looked into. The Leader of the House said he would ask someone to give this information on his behalf. The Minister is, of course, precluded from speaking again and I have been supplied with the information which was sought.

The Hon. Clive Griffiths: Please speak up so that we may hear the Minister.

The Hon. R. THOMPSON: I have a letter addressed to Mr. Dolan from the Director-General of Education who says—

> Living away from Home Allowances
>
> During the debate on living away from home allowances the Hon. W. R. Withers raised two points, querying whether the Commonwealth Department of Education had used air mail in its correspondence with isolated parents and why hostels had not been informed before 4th April that they would not receive direct payments from the Government.
>
> The following information relates to these matters.
>
> Despatch of Applications
>
> I am advised by the Perth Branch Office of the Commonwealth Department of Education that application

forms were sent by air mail in all instances where air mail services operated.

Notification to Hostels

At the conference between officers of the Commonwealth Department of Education and State Departments in January, 1973, the Commonwealth scheme was discussed but full administrative procedures were not finalised. When schools re-opened in February, 1973, it was thus not possible to notify hostels as to the exact procedures to be followed.

In accordance with established procedures hostel authorities submitted applications for payment to the State Education Department. These applications were withheld pending final decisions by both the Commonwealth and State Governments. In late March, policy decisions had been finalised. The responsibilty for the payment of boarding allowances was accepted by the Commonwealth and the State accordingly withdrew from this area of assistance.

As soon as this decision was made, the hostel authorities were notified, the date of the letters being 4th April 1973.

The problems associated with hostel finance were brought to the notice of the Federal Minister for Education, particularly the concession which had applied in Western Australia whereby allowances could be paid direct to hostels. On the 11th May 1973 Mr. Beazley announced that the previous concession would be continued and that arrangements would be made for parents to authorise such payments.

The next part of the letter deals with the question of the means test which was raised. The Director-General of Education says—

Means Test

On a previous occasion, the Hon. W. R. Withers brought to your attention disadvantages suffered by residents in the North West in the application of the means test for the determination of additional boarding allowances.

You may care to inform the Hon. Mr. Withers that the Minister for Education has already written to the Federal Minister pointing out the disadvantage of a fixed income scheme to workers in high cost of living areas. For your own information officers of the Commonwealth Department of Education are considering this request since they have been in touch with officers of this Department on the matter. However, an official reply from the Commonwealth is awaited and we have no indication at this stage whether it will be favourable or not.

I trust that this reply, which the Leader of the House promised Mr. Withers, will satisfy both him and Mr. Wordsworth.

The Hon. D. J. Wordsworth: Far from it.

THE HON. W. R. WITHERS (North) [5.35 p.m.]: I thank the two Ministers for the replies they have given to the motion in this House. I appreciate this matter does not come within their respective portfolios and they are expressing the views of the Minister for Education in another place. In all probability the Minister for Education is expressing the views of the officers of his department.

From the information which has been given to the House by the two Ministers, I say the Minister for Education and his officers are being irresponsible in regard to the treatment of children in isolated areas. I think the people of Western Australia should know this, and I challenge the Minister for Education and his officers, as well as the Federal Minister for Education, to a debate on TV on this very subject in order to bring to the attention of the public that the people concerned do not know what they are doing or, if they do know, then what they are doing is criminal.

I thank the Minister for his information concerning the postage of advice to parents in respect of application forms; in other words, telling the parents they should apply for the Commonwealth allowances. The Minister mentioned that approximately one-quarter of the application forms had been returned to his department or to the responsible Commonwealth department.

This morning I received a telephone call from a lady who was emotionally upset. She had just received a notice from the Port Hedland Hostel advising her there had been a change in the system of payments and she must meet those payments before her child would be accepted at the school. This was the first occasion on which the lady in question had even heard of any change in the system, because she had not received any application forms. I asked her whether the department had her address and whether her child was a student, receiving a State education allowance, in the last year of schooling, and her answer was, "Yes".

I asked the lady whether she knew of anybody else, in her town who happened to be in a similar situation. She said that she did not know but would endeavour to find out within the next 24 hours.

The Hon. R. Thompson: Which town?

The Hon. W. R. WITHERS: Shay Gap. I asked the lady whether she had changed her address and she said that she had. I also asked whether she had notified the department and her reply was, "Yes".

The Hon. J. Dolan: When did she notify the department?

The Hon. W. R. WITHERS: I did not ask. It was a trunk call and the lady was paying approximately $2.00 for every three minutes. At this price, one does not ask for extensions but, as it was, the phone call lasted six minutes.

I have not received a reply from either Minister on one point: How can the stupidity of bureaucracy allow a bursary student to receive $100 less than the children in her class? This is the situation, as I explained when I originally moved the motion. I explained at the time—and I will now repeat—that a child who initially had received a State bursary of $250 also received a State allowance of $312. When the new living-away-from-home allowances came through from the Commonwealth that child could not qualify because she was bonded under a State bursary. When the State cancelled the State allowance she was left with a $250 bursary only and she could not qualify for the Federal allowances. Nevertheless, the children in her class are receiving $350. Children who have not won bursaries are receiving $350 and children who have won bursaries are receiving $250. How stupid can bureaucracy and Ministers be! In saying this, I am not referring to the Ministers in this House who are not responsible for the education portfolio.

The Hon. R. Thompson: That is just as well.

The Hon. J. Dolan: I do not think the honourable member ought to refer to a Minister in another place in those terms.

The Hon. W. R. WITHERS: It was pointed out only a few moments ago by Mr. Ron Thompson that the Minister for Education in another place has written to the Federal Minister advising him of the disabilities experienced by people in the north and also that the amount of money they earn in each year means they cannot qualify for the hardship allowance or the second part of the living-away-from-home allowance.

I have already indicated to all members that I pointed this out to the Federal Minister for Education (Mr. Beazley) in December, 1972, just after the Federal election. I did so again in January, 1973, and February, 1973, but the matter has been completely ignored. The figures I gave the Federal Minister had been checked by two State departments and they were also presented in Canberra by other departments which, supposedly, had checked them. I also said I had given this information in a 30-page report to the Senate Standing Committee on Education.

People in isolated areas are few in number and it is quite apparent that they are to be treated like dirt. It appears they have fallen victim to a political sop; namely, a promise by the Federal Government to give them reasonable allowances. If we look at the allowances, through the eyes of a person in the city, they appear to be extremely good. There is an amount of $350 without a means test, a further $350 under a means test, and a further $304 as a hardship allowance.

These amounts appear to be extremely good if an individual does not know anything about the situation. It appears the Federal Minister for Education and the State Minister for Education do not know very much about it. If they do, as I have said, what they are doing is criminal. We still have a situation whereby hostels are in financial trouble.

The Hon. D. J. Wordsworth: Hear, hear!

The Hon. R. Thompson: "Criminal" is an extravagant expression.

The Hon. W. R. WITHERS: It is criminal only if they are aware of what they are doing, but I am suggesting they do not know what they are doing. I do not believe that any Minister, regardless of his political colour, could do such a thing if he had knowledge of what he was doing.

The Hon. D. J. Wordsworth: In answer to a question of mine on the 12th April, the Minister said they would give special financial aid.

The PRESIDENT: Order!

The Hon. R. Thompson: The honourable member has made his speech.

The Hon. W. R. WITHERS: What Mr. Wordsworth says is correct. I point out that hostels are still in financial trouble.

The lady who rang me today asked whether the hostel at Port Hedland was within its legal rights to send out a letter advising parents that children will be returned to them on the first available transport if the school and hostel fees were not paid in advance. She was most distraught. I informed her that to my knowledge the hostel has found it necessary to do this because it has run out of money and is in debt to the tune of $12,000. Its bank overdraft is at the maximum and the hostel cannot continue without funds.

I ask the question: From where are these funds to be obtained? Do we see the State Government saying, "We will correct this situation straightaway"? All the State Government has done is to criticise the parents for their tardiness in returning their application forms for Commonwealth assistance. I have just pointed out that at least one person has contacted me—through a very expensive trunk call—to say that she had not seen such a form and was not aware of the situation until she received the letter from the hostel. I suggest that many parents will be in a similar position. Does it not seem strange that people have not put in applications to receive $350 per child? I am sure any one of us here—and we are not affluent people

with our expenses on our current salaries—who received such an application form telling us that we would receive $350 per child would ensure that the application form was sent off in the next mail.

The Hon. J. Dolan: The parents have received them and they have not returned them.

The Hon. W. R. WITHERS: I do not know how many times I must say this. I am suggesting that possibly many people have not received application forms. I admit that I have only received one telephone call, but if people are not aware of the situation, they cannot ring up and say, "I have not received an application form." The parents have received nothing to trigger off such an inquiry. The only intimation of the situation received by the lady who rang me was the letter from the hostel. She knew nothing about the Commonwealth scheme until yesterday.

The Hon. J. Dolan: It seems peculiar that so many letters could go astray.

The Hon. W. R. WITHERS: I am not suggesting that all the letters have gone astray. Last week a member of this House informed me that where there is an air service all letters to the north are sent by air mail. It is probable that other members also believe this. For their information, I would like to say that all letters do not go by air mail—only those in a small white standard-sized envelope are sent by air mail.

It would seem probable the application forms were forwarded in large manila envelopes. Is it possible an officer of the department holds the same belief as that held by some members of Parliament—that all letters to the north go by air?

The Hon. J Dolan: Mr. Ron Thompson gave you the answer to that today. All parents were sent the same circular, and I believe they were all forwarded in the same sized envelope. Why is it that some of them have returned the forms and others have not?

The Hon. W. R. WITHERS: I cannot answer that. I do not know why the lady who rang me did not receive the form. I certainly did not ask her, "Why did you not receive the application form?" She was already quite upset, and she could not speak about something of which she knew nothing.

The Hon. A. F. Griffith: I should have thought the Government is in a better position to make inquiries about this matter than you are.

The Hon. W. R. WITHERS: I was going to ask the Government to find out why these people have not received application forms, and if possible, it should use the radio and the Press to inform people entitled to claim for boarding allowances to contact the department if they have not received an application form. I also suggest the Government should step in and offer to tide the various hostels over until the issue has been determined. The Government should ask the hostels to accept all the children from remote areas until the mix-up is sorted out. It should also confer with the Federal Minister in an endeavour to solve the problem in regard to bursaries. The whole situation is such a mess that it is almost unbelievable.

My suggestion is that the State Government should reinstate the allowances. This would solve many problems. Let us return to the system of State allowances in addition to the Federal allowance. I am sure that is what the remote-area electors expected when they voted for a Federal Labor Government. People in isolated areas whose children attend country schools probably cast their votes for the Labor Party because they thought they would get a better deal. Unfortunately, the deal was way below what the Liberal Party had promised.

I wish to make a further submission for the reinstatement of the State allowance. The Leader of the House commented that the Commonwealth Government has been more generous than the State could afford to be. The State withdrew an allowance for which it had already budgeted. This strikes me as being very strange. The State budgeted for a boarding allowance but then withdrew it.

The Hon. J. Dolan: The Commonwealth took over the commitment and this will be debited against the grant to Western Australia.

The Hon. W. R. WITHERS: The Leader of the House has missed the point. The State budgeted a certain amount for boarding allowances, and yet it has withdrawn those allowances.

The Hon. J. Dolan: The State will have to still find the money because it will be withheld by the Commonwealth.

The Hon. W. R. WITHERS: No wonder we doubt the ability of the State Cabinet to govern!

The Hon. J. Dolan: We doubt your ability.

The Hon. W. R. WITHERS: The Leader of the House says we will have to still find the money somewhere. I make the point that it has been budgeted for. Perhaps I have a great deal to learn about politics, because I have always believed a Government is run in the same manner as a business, with balance sheets and budgeted moneys.

The Hon. J. Dolan: You have a lot of funny thoughts.

The Hon. W. R. WITHERS: I said earlier that I challenge the State Minister for Education, the Federal Minister for Education, and their officers to debate the

issue on television. I did not make this statement in the heat of the moment. I put it forward as a sincere challenge, and I hope it will be taken up because the people of Western Australia should know what is going on.

The Hon. J. Dolan: I would like to see you lined up against Mr. Beazley, the Federal Minister.

The Hon. W. R. WITHERS: I would welcome it. I very much doubt that Mr. Beazley will accept the challenge when he reads what has transpired.

The Hon. S. J. Dellar: I hope he does. It would be interesting.

The Hon. W. R. WITHERS: I also hope he accepts it. The Leader of the House said—

> For those parents who are in a wage bracket that would involve them in serious hardship to send their children away to school, additional sums ranging up to $654 per child per annum could be paid under the new arrangements.

This shows how much the Government knows. That is absolute rubbish. I do not know one family in the north who would qualify. This is just a political sop—

The Hon. J. Dolan: I suppose you have talked to all the families?

The Hon. W. R. WITHERS: The Minister knows that would be quite impossible. I have spoken to quite a few people and none of them knows a family which would qualify.

The Hon. A. F. Griffith: Perhaps the Minister could tell you the people who could qualify for that amount of money.

The Hon. W. R. WITHERS: The State should reinstate the boarding allowance and also accept the Commonwealth allowance. This would solve the problems which the hostels are experiencing. It would also correct the situation in regard to pupils on bursaries. If the Government will not take this course, I hope it will take immediate action to give financial aid to the hostels so that children will be accepted at the beginning of the coming term, and the aid will be continued until such time as a solution has been found. I ask members to support the motion.

Question put and passed.

FATAL ACCIDENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

THE HON. I. G. MEDCALF (Metropolitan) [5.55 p.m.]: This is a very small Bill to amend one section of the Fatal Accidents Act. Although it is a small Bill, it is worthy of careful attention.

The principle of the parent Act is laid down in section 4 which provides that the relatives of a person killed as a result of a wrongful act may obtain damages for his death. In other words, any person who causes the death of another person may have to pay damages to the parents, wife, or children of the deceased. This was not always so in the past, but it was made clear with the proclamation of the Fatal Accidents Act. The relatives of a deceased person may claim for damages which would have been payable to the deceased had he lived. In other words, a person unable to claim for damages because of his death, is given the right to bring a claim on behalf of the relatives through his personal representative.

Section 5(1) provides that medical and funeral expenses may be claimed as part of the damages. In assessing the damages, the court must have regard for certain things, but it is strictly enjoined by section 5 not to have regard for certain other things. For example, the court must not take into account insurance payments received as a result of the death of the deceased, amounts paid through superannuation funds, any other moneys which are payable for the benefit of the deceased as a result of his death, or amounts payable under the Repatriation Act or the Social Services Consolidation Act, and some other Commonwealth and State Acts. For instance, pension payments, superannuation funds, and insurance payments are not to be taken into account in assessing damages.

In case members should feel it is rather curious that these things are not to be taken into account, I would like to say that damages payable under the Act must be strictly material. For example, the relatives of a deceased person cannot claim fanciful damages. The damages must relate to the actual loss which has been suffered.

A claimant must prove the amount of the loss. If the relatives of a deceased person have received a substantial amount of money from an insurance policy or a superannuation fund which would otherwise have reduced the loss which they suffered as a result of the death of the deceased, the Act specifically provides that insurance and other payments are not to be taken into account in assessing damages.

Some other matters must be taken into account; for instance, the value of a property if the deceased happens to be a farmer. It may well be that a farmer's widow and children are better off financially after his death than they were whilst he was alive. Curious though it may be, this fact has to be sometimes taken into account by the court. I recall the case of a farmer who owned a valuable property. He was killed in a motor car accident and an action was brought by the personal

representative of the farmer for the benefit of the widow. It was clearly demonstrated to the court that the widow had received very substantial benefits as a result of the death of her husband. These benefits were the realisation of a very valuable farming property which she acquired under his will. Therefore, damages had to be reduced to take into account the value of the property acquired by the relatives of the deceased as a result of his death.

In some respects this is a rather unsatisfactory state of affairs. On the other hand it illustrates that the court will not award fanciful damages. The damages must be related to the actual loss sustained.

In this measure we are referring to an action on behalf of an illegitimate claimant and it is proposed to amend the Act by deleting the present reference to an illegitimate child and substituting another reference. As the Act stands, a parent can bring an action where he claims to be related to a child by reason of illegitimacy. So if a parent suffers a loss as a result of that child being killed, such parent can claim against the wrongdoer for the death of the illegitimate child.

That is a rather unusual case that can be brought at present, but normally it is the other way round; that is, the claim is made against the wrongdoer on behalf of the illegitimate child who has suffered loss. As the Act stands, the section we are proposing to repeal now provides that a child can claim to be an illegitimate child only if a maintenance order has been made against the deceased or maintenance was being contributed by the deceased.

Under this Bill what we propose to do is to turn this around and say where, in any action under this Act, a question of illegitimacy arises in respect of any relationship, that relationship shall not be taken to be proved unless paternity is admitted by, or established against, the father in the lifetime of the deceased person. The father and the deceased are not necessarily the same person. If we examine the Minister's speech carefully it will be noted that he said the father and the deceased were one and the same person. However, that does not necessarily follow. Action can be brought by the father against the wrongdoer for the death of his illegitimate son. So we must bear in mind that the Minister's comments are not exactly correct; he was referring to only one type of proceeding. There is another type which I have just mentioned.

We could have this curious situation, to which I simply draw attention, because I do not propose to take any further action on it. An action could be brought by a father against a wrongdoer because of the death of his illegitimate child. The father admits that he was the father of that child and then proceeds to bring an action saying that it was his illegitimate child who was killed. This is a situation that could arise. I admit it is rather remote, but nevertheless it could occur. There is an even stranger twist to this; that is, the father has to make this admission during the lifetime of the child. However, what happens if the child is lying unconscious in a country hospital after being seriously injured in a road accident and, during that time, the person who claims to be the father states that the person in the hospital is his illegitimate child and therefore he is entitled to the benefit of proceedings under the Fatal Accident Act? That situation could arise although it would be very remote.

There is, however, in the Act what one may call a more or less saving section; that is, such an action does not establish the father's right to damages, nor does it establish the fact of illegitimacy. As I say, the Bill has some curious twists to it, but generally speaking it is in line with the wording which we in this House incorporated in a number of other Bills during the last session of Parliament, and for that reason I support the Bill.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [6.06 p.m.]: I thank Mr. Medcalf for his support of the Bill. The point he has made is well taken and I will draw it to the attention of the Attorney-General. The case mentioned by the honourable member, as he has said, could be a very remote one, but, from memory, I think there is another section—unfortunately I do not have the principal Act in front of me—which gives a definition of an illegitimate child.

We have to return to the definition of an illegitimate child rather than take the wording of the section out of context. If my memory serves me correctly, when we dealt with similar legislation last session some debate ensued on this matter inasmuch as the illegitimacy had to be determined; that is, the father of the illegitimate child, either through court action, or by consent, had to admit he was the father of the child. Therefore, I think we may be arguing over words.

Nevertheless I am not a Parliamentary Draftsman and I would not like to say exactly what connotation the draftsman has placed on this amendment, or the connotation that has been placed upon it by Mr. Medcalf.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Community Welfare), and passed.

Sitting suspended from 6.09 to 7.30 p.m.

EVAPORITES (LAKE MacLEOD) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th May.

THE HON. G. W. BERRY (Lower North) [7.30 p.m.]: I have a few observations to make on the Bill. As members have already been told, under the original agreement the production of potash, as defined in the original schedule, was envisaged, but until such time as this was possible, the company was given permission to produce salt.

The Bill seeks to vary the original agreement mainly by amending the schedule by inserting two new clauses and by amending others in the original agreement. One of the amendments is designed to add a new clause 6A to the agreement, reading—

> 6A. Should the company at any time during the first ten years next following the commencement date desire to substantially modify expand or otherwise substantially vary its activities to produce products other than those specified in any approved proposals hereunder the Company shall give notice of such desire to the Minister and thereupon or within such time thereafter as the Minister shall fix shall submit to the Minister for approval detailed proposals to the fullest extent reasonably practicable in respect of all matters covered by such notice and such of the other matters mentioned in subclause (1) of clause 5 as the Minister may reasonably require. The provisions of clauses 5 and 6 shall *mutatis mutandis* apply to detailed proposals submitted pursuant to this subclause. ;

In effect this indicates that any new proposals during the next 10 years following the commencement date must have Government approval. Another amendment is the insertion of new paragraphs (i), (j), and (k), to clause 9 (2) of the agreement. These new paragraphs read—

Utilisation of brines and evaporites.

> (i) in respect of potash produced pursuant to this Agreement, ensure that the potassium content of the brine and evaporites produced in on or under the land the subject of the mineral lease is, as far as is practicable, fully utilised in the production of potash and/or other evaporites in accordance with its approved proposals;

Reports..

> (j) furnish to the Minister quarterly such reports as the Minister may reasonably require concerning the mining and utilisation of the brines in connection with the Company's operations hereunder; and

Limitation of salt exports.

> (k) limit its sales of common salt for delivery to Japan to 1,750,000 tons during each of the years ending 31st March, 1973, 1974 and 1975.

Other amendments are to be made to clauses 10 and 17 of the original agreement. Clause 17 of the original agreement has a proviso reading—

> PROVIDED ALWAYS that the party whose performance of obligations is affected by any of the said causes shall minimise the effect of the said causes as soon as possible after their occurrence.

It is proposed to amend that clause so that it will read—

> PROVIDED ALWAYS that the party whose performance of obligations is affected by any of the said causes shall promptly give notice to the other party of the event or events and shall minimise the effect of the said causes as soon as possible after their occurrence.

The definition of the word "potash" is to be altered to include langbeinite which is a combination of potash and magnesium.

The variation clause gives the company and the Government the opportunity to vary the provisions of the agreement, so it was really not necessary for the Government to seek parliamentary approval. However, as yet, langbeinite has not been used in Australia. As far as I can ascertain no-one knows very much about the product and its application is yet to be tried and proved in the Commonwealth, because no research has been done with it and no information is available as to where it can be applied. I certainly doubt whether as langbeinite it will be used in Carnarvon. It may be used in a mixture with other fertilisers.

No mention has been made of any firm contracts, but the company seems confident of sales to the amount specified, and it has proceeded with the construction of the plant which will be in production by the end of July this year. I have been told, without authority, that sales have been effected for 50,000 tons. This information did not come from the company, but from an individual not connected with the company, so I cannot verify whether or not it is correct.

It is claimed in the Minister's speech that the difficulties of an over-production of the co-product, salt, encountered in the production of potash in the form of muriate or sulphate as originally intended has necessitated the company turning to langbeinite; and while this is not what was desired initially, I hope it can be further processed in due course and other evaporites produced to give Carnarvon the full benefit of the undertaking.

On page 1168 of *Hansard* No. 7, of this year, the Minister said—

> The company also claimed that langbeinite would be more easily and reliably produced at Lake MacLeod than potassium chloride—muriate of potash —and that its value was as high as or higher than that of potassium chloride per unit weight.

I would like a little explanation on this because I am at a loss to understand how a product containing 18.9 per cent. potassium has a higher value per unit weight than a sulphate with a potassium content of 40 to 42 per cent. and a muriate content of 51 per cent.

I am well aware of the investment the company has in the Carnarvon district and what its operation means to the town's economy, because next door to where I live is a complex housing project which the company has built for some of its employees. I live in the town myself and can see what the company has done in this direction. I am also very much aware of the vast extent of the mineral deposits to which the company has claim. In days gone by those of us who travelled over the lake considered it was a bugbear to get across some sections when we desired to go to the fishing spots along the coastline. However, I do not think anyone realised the potential of the area. In this respect I must say that one never knows where wealth lies until the potential of an area is discovered. However, I want to emphasise that it is necessary that the State get the best advantage of the vast deposits in the area.

I have heard it stated, although I cannot confirm or deny the information, that some 400 years' supply of brine is available in the Lake MacLeod area, and that an area of some 800 square miles is involved. I do not know how much drilling has been undertaken, but it is evident that an extensive deposit is available and that it is important that the closest liaison exist between the company and the State in the development of the deposit.

To return to the fanfare of trumpets to which reference has been made; good reason existed for this in 1967 because Carnarvon was to be the centre of a very substantial industry which would produce potash as originally defined in the agreement, this being in the form of muriate or sulphate. In the schedule to the original agreement the company acknowledges the desire of the State to have available a reliable source of potash. Clause 13 of the original agreement reads—

Potash for use in Australia.

> 13. The Company acknowledges the desire of the State to have available a constant and reliable source of supply of potash for use in Western Australia and the Commonwealth and to attain this object the Company subject to the fulfilment of its overseas contracts will after the commencement of production use its best endeavours to have such quantities of potash available at all times during the currency of this Agreement for sale for use in Western Australia and the Commonwealth as will meet reasonable demands therefor made on the Company from time to time at a price which is competitive in the Australian market provided that such price is not less than that which the Company is receiving or able to receive for similar quantities of potash sold on similar terms and conditions for use outside Australia.

So the company was definitely committed to use its best endeavours to have quantities of potash available. The question is whether it is using its best endeavours and whether it was necessary for the definition to be altered to include langbeinite. The accent was previously on the importance of potash for use in the State and Commonwealth, and the potash was to be in the form of muriate or sulphate.

Langbeinite has never been used and not very much was known about it anywhere in the Commonwealth of Australia prior to the decision to manufacture it. Since that time some information has been gathered by those interested in an effort to determine its use. I was able to obtain very little information concerning its application and it is very doubtful whether it will have any real application within this State, or within the Commonwealth of Australia. I very much doubt whether it will have any application in the Carnarvon area.

Some doubt has been expressed as to whether the production of potash in the form of langbeinite will be economical when compared with muriate or sulphate. This especially applies on a freight basis per unit of active ingredient. I would like the Minister to provide a calculation of price to show how it will compare with other products used throughout the Commonwealth of Australia in this respect.

I feel the State has been let down by the Government in allowing the company to produce langbeinite. I am not unmindful that another company has been established in the area for the sole purpose of producing solar salt. I am also fully aware of what that project means to the area, and the people engaged in the industry. The operations of the company engaged in the production of solar salt are much more difficult than those which apply to the Lake MacLeod project.

It is certainly hoped that the company will be able to dispose of langbeinite, and that it will be of some benefit to the residents of Carnarvon, and the benefits that have accrued to the town and the State through the company's operation in the Carnarvon area will continue to increase. I hope the State of Western Australia and the Commonwealth will eventually reap some benefit from the production of langbeinite.

I will refer to the Minister's second reading speech at page 1169 of *Hansard*, 1973, where the Minister had the following to say—

> The Bill before us gives effect to an undertaking the Minister gave in the House last year to introduce legislation which ensures that lake brines and bitterns are fully and efficiently used. It is a Bill which will ensure that those portions of the agreement which deal with production of potash are not sidestepped in the interests of bigger and better salt production.

I commend those remarks because it is essential to rationalise salt production within this State and so retain the industry. I take it that the Minister was referring to the provisions of subclause (4) of clause 4 of the agreement which refers to potash produced under the terms of the agreement. I have not been able to locate in the provisions of the Bill that which the Minister claims will actually be achieved. The Minister said—

> . . . a Bill which will ensure that those portions of the agreement which deal with production of potash are not sidestepped in the interests of bigger and better salt production.

It does not seem to be spelt out clearly. We have been given a good rundown on the establishment of the industry—especially by Mr. Dellar in his support of the Bill—and what the project will mean to Carnarvon.

In conclusion, I would like to say that I have mentioned these various points because I want the State to get the best deal possible, and I want Carnarvon to reap the full benefits from the establishment of a project such as this.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [7.50 p.m.]: The contribution which I propose to make to this debate will not occupy very much time. However, I do feel I should pass some remarks on the Bill now before us which contains an amendment to the original Texada agreement. I also wish to refer to the agreement entered into by the Government, and which was tabled when the Minister in charge of the Bill introduced the second reading. I am not sure of the exact date of tabling.

So far as I can see the discussion which has occurrred on this piece of legislation seems to have centred on one point—the Government and its supporters saying that the Government of the day entered into an agreement which provided for the possible production of potash, and the interpretation of the word "potash" was so broad as to mean other products. It also seems that the ineffectiveness of the interpretation needs to be widened so the company can do something else.

On the other hand my colleague, Mr. Withers has criticised the agreement because in his view Carnarvon, as a town, will not derive as much from the terms of this agreement as was anticipated in the first place. For that reason, and in his opinion, the present amendment to the agreement should be criticised. On the other hand, I think Mr. Dellar endeavoured to believe that the present Government was right in saying that the interpretation of the word "potash" is wider, and was intended to be wider than that judged by the previous Government, and for that reason the production of langbeinite was a possibility within the meaning of the agreement signed in 1967.

I want to make one thing abundantly clear: I was Minister for Mines at the time in 1965 and I allowed Texada Mines into the Lake MacLeod area. The intention of the company, without any doubt whatever, was to produce potash for use not only in Western Australia, but for use throughout Australia.

The Hon. L. A. Logan: No doubt whatsoever.

The Hon. A. F. GRIFFITH: The proof of that statement, of course, is recited in the agreement and those words have already been pointed out, a few minutes ago, by Mr. George Berry who has just resumed his seat.

I think Mr. Dellar said that at the time the agreement was signed it was the hope and expectation of the Government of the day that the production of potash would come to fruition. I can only comment and say that this is, of course, so because at that time the company had been carrying out investigations for about two years, and a clause had been written into

that agreement saying it was the intention that potash would be produced under a system if found to be feasible and economically possible.

Of course, we knew that from the production of potash—because of the process with which the company was experimenting—there would be an abundance of salt. The reason the Government of the day gave Texada Mines Pty. Ltd. the right to export a limited amount of salt has already been stated: The reason being that the company wanted to develop a cash flow of money in order to allow it to get on with its project. There was another reason, also. The other salt producers of the country had not been able to get to the starting point with the production of salt. One salt producer had been flooded out and was not able to reach its target. Another reason was the industrial use of salt throughout the world had grown very substantially within a very short space of time.

I have not been able to discover the relevant reference but I am reasonably sure that when standing in the position now occupied by the Minister for Police I said to members in this Chamber that the incidence of the increase in the use of industrial salt throughout the world had increased considerably in a very short number of years. That was another reason why the Government of the day was prepared to allow Texada Mines to depart from its agreement and export salt: To give the company a cash flow.

I think the agreement dated the 14th November, 1972, was the agreement mentioned by the present Minister in his second reading speech, and the agreement which was laid on the Tables of both Houses of Parliament. That was also the agreement entered into by the two parties—the Government of the State of Western Australia and Texada Mines Pty. Ltd.—in which it is claimed there is some legal doubt as to the interpretation of the word "potash". The interpretation is being changed to include the substance langbeinite.

I am sure that you, Mr. President, will remember the caustic criticism which flowed from the Labor Party members in this Chamber regarding the form of agreement which the previous Government included in its industrial Bills, and which was termed the "variation clause". I can well remember the caustic criticism which we received because of the inclusion of the variation clause in the industrial agreements. Be that as it may: The present Government has used that clause—clause 16 in this case in the Texada agreement—to vary in a very substantial way the interpretation of the word "potash".

On the 14th November, 1972, when the parties to the agreement had signed it, and the Government had committed itself to allow Texada Mines to depart on a programme different from that originally intended it would not have changed the situation at all if this part of the Bill had not been presented to Parliament. The Government, by arrangement with Texada Mines, agreed—as the recital to this agreement tells us—to the submission by the company of langbeinite proposals subject to the execution of the agreement. That is when the arrangement changed, and although I am not sure I feel fairly certain that it was subsequent to the 14th November, 1972, that Texada Mines Pty. Ltd. started to expend its money to establish a langbeinite plant. Mr. Dellar is a member for the district and I ask him if that is not right.

The Hon. S. J. Dellar: A pilot plant was operating and testing before then.

The Hon. A. F. GRIFFITH: As the honourable member has said, a pilot plant was operating and testing before then. So the company felt that it was authorised at that particular time to produce langbeinite, under the definition of "potash".

However broad, or however limiting, it is intended the alteration of the interpretation should be, I repeat: I know in my own mind what the interpretation was intended to be. It was intended to have the connotation that an industry would be formed in Western Australia to produce a product for use in this State and in the other States of Australia. Potash was the product then—and as the Minister in another place has said, it still is—which had to be imported into Western Australia in large quantities.

The Minister in another place also said—

> It should be made quite clear that the principal intent of the original agreement is not altered. The company is still required to develop the resource of the lake to the full, and is free to produce muriate or sulphate of potash as well as langbeinite. The main change is a relatively short-term restriction on salt production and a long-term insistence on full and efficient extraction of potassium.

I will come back to that in a few moments. I repeat that this was the point at which the complexion of the agreement changed.

The Minister in another place and the Minister who introduced the Bill in this House have been pressed to tell us (a) what the uses of langbeinite are; (b) what markets there are for it in Western Australia and elsewhere; and (c) what research has been undertaken in connection with the use of the material known as langbeinite. Mr. Wordsworth asked some very interesting and pertinent questions, which begin on page 641 of the current *Hansard*. I will read the questions

and answers because, to my way of thinking, they have a particular bearing on this agreement. The questions were—

(1) (a) Has the Department of Agriculture made a suitability study of langbeinite to Western Australian agriculture; and

(b) if so, will a copy be laid on the Table of the House?

(2) Will the langbeinite proposed to be produced by Texada Mines Pty. Limited reduce the cost of potash to Western Australian primary producers?

(3) What are the—

(a) uses in agriculture;

(b) types;

(c) quantities;

(d) prices;

of potash in this State?

(4) (a) Is it possible to further refine the potash deposits held by Texada to a more suitable product for agriculture; and

(b) if so,—

(i) is it proposed to further process them; and

(ii) when?

The Leader of the House replied—

(1) (a) and (b) The Department of Agriculture has not made a suitability study of langbeinite but it has verbally informed inquirers that langbeinite would be a suitable form of potash from the point of view of availability to pastures and crops.

(2) This is not known.

(3) (a) Potash is principally used for south west pastures plus some use for intensive crops.

(b) Potassium chloride (muriate) Potassium sulphate.

(c) In 1967, 10,000 tons of potash were used in W.A. mainly as muriate, and 6,500 tons of this were used on pastures. Usage is somewhat higher now, probably over 16,000 tons, but no precise figures are available.

(d) Muriate of potash (60% K_2O) $71 per ton bagged; Sulphate of potash (50% K_2O) $110 per ton bagged.

(4) (a) Langbeinite can be further refined to a more concentrated potash source, but this would depend on economics.

(b) (i) and (ii) This is not known.

I do not think by any stretch of the imagination the Government could claim it has given any useful information in respect of the production of langbeinite. The Department of Agriculture has done no research and it has no information. It has verbally told some people—whoever they may be—that it would have uses, but there is no information at all about the possible sale of langbeinite if the company moves into the production of it.

I think the Minister should ask his colleague in another place to give advice on this point because surely it is a vital part of the operations of this company at Port Hedland. The company has found it cannot go ahead with the original proposals and it now wants a change. Nobody would object to a change of plan if the first plan had been found to be uneconomic, not viable, or any other expression which might be used to explain the situation. However, we are entitled to a better explanation than the one which is given at the present time, because, in fact, the company has been relieved of its original obligations. I think it should be made to stand up to its original obligations, and, in the words of the Minister, that is what he intends it shall do.

There is no doubt in my mind that when the people of Carnarvon know the true story they will be disappointed because, unless something happens to alter the situation, they will not have the fully fledged industry which it was hoped they would have at the time the agreement was negotiated.

Now I come to the Bill, in the schedule to which are set out the various amendments the Government wants to make to the original agreement. I think these three documents must be read together. We have the 1967 agreement. We have the agreement which was entered into by the Government of the day and the company, of which nobody had any knowledge until it had been signed; but it was a substantial variation, as a result of the use of a clause which we were greatly criticised for embodying in this form of agreement. We also have the proposals contained in the schedule. We cannot overlook the three documents, and they must be read with each other because they have an effect on the total proposal.

If members look at page 4 of the Bill, about half way down they will find some further paragraphs are to be added to clause 9 (2) of the original agreement, one of which is paragraph (k), which reads—

(k) limit its sales of common salt for delivery to Japan to 1,750,000 tons during each of the years ending 31st March, 1973, 1974 and 1975.

Perhaps at this point I could say that Mr. Dellar went to considerable trouble to point out to the House that the previous Government had given the right to export something in the order of 12,500,000 tons of salt.

The Hon. S. J. Dellar: I said 2,050,000 tons.

The Hon. A. F. GRIFFITH: To this company?

The Hon. S. J. Dellar: In total.

The Hon. A. F. GRIFFITH: I was not talking about this company. I think the honourable member added up the various agreements the previous Government had entered into and said it had given permission for the export of a total of 12,500,000 tons of salt.

The previous Government did not do that at all. In any case, the honourable member should know that export licenses are given by the Commonwealth Government, not the State Government, and each one of those agreements, like this one, has a minimum objective or target recited in it as being the intention of the parties to the agreement. Therefore, 12,500,000 tons was not the quantity of salt we had given these companies permission to export.

I return to the proposed new paragraph (k). I wonder whether the words "limit its sales of common salt for delivery to Japan" would prevent the company producing and delivering salt to any country other than Japan. Taking the express words of the agreement, I do not think the company would be limited to selling salt elsewhere. Perhaps the Minister could inform me about that matter when he closes the debate.

I come back to where I started. It seems to me the principal difference of opinion surrounding this agreement is based on the fact that criticism of the agreement is levelled at the point that Carnarvon will not have what it hoped for when the agreement was originally signed. In their explanation of the situation the Ministers say, "For these reasons we allowed the inclusion of langbeinite as an alteration to the definition of 'potash' but we have not lost sight of the objective of providing a potash industry for Western Australia."

I will not oppose the Bill but I hope I will assist the Government to achieve its objective. I foreshadow that in the Committee stage I will move an amendment to clause 3 of the Bill, which says—

> 3. The principal Act is amended by adding after section 3 a section as follows—
>
> 3A. The Variation Agreement is ratified.

The variation agreement, of course, is the schedule to the Bill. In the interests of the Government, the people of Western Australia, and the people of Carnarvon, in particular, I will suggest the addition of some words to the proposed new section 3A, so it will then read—

> The Variation Agreement is ratified, subject to the proviso that the State notwithstanding any term, condition or stipulation implied or expressed in the principal Agreement or the variation Agreement, or as otherwise varied from time to time, to the contrary, reserves to itself, the right to review the requirements for the production and sale of potash and salt in the principal Agreement, the variation Agreement or any other Agreement in variation of the principal Agreement or the variation Agreement at any time, after the 31st day of March, 1975.

Perhaps I should expand briefly upon what might appear at first reading to be a great deal of unnecessary verbiage. I have pointed out that there are three documents —the original agreement, the variation agreement, which is part of the Bill, and then the amending Bill. The words "principal agreement" refer to the 1967 agreement; the variation agreement is contained in the Bill in front of us now; and the words "or as varied from time to time" apply in legal terms to the document dated the 14th November, 1972.

The reason for my foreshadowed amendment is that it will place the State in such a position that at any time after the 31st March, 1975, it may reserve to itself the right to renegotiate the agreement to keep the situation under its control, and the right to call upon the company and to hold consultations with it. The company has already gone through a period of being able to export salt, and has got under way with its langbeinite plant. Neither the company nor the Government has lost sight of the original contention of the 1967 agreement, and under my proposed amendment the Government will retain the initiative which I think it will lose if my amendment is not accepted.

The Hon. R. F. Claughton: Have you discussed this proposition with the company?

The Hon. A. F. GRIFFITH: No; why should I do that?

The Hon. R. F. Claughton: It was just a question of interest.

The Hon. A. F. GRIFFITH: Well, if it was a question of interest, tell me why it was asked.

The Hon. R. F. Claughton: You are proposing to make a change that will affect the company.

The Hon. A. F. GRIFFITH: As a matter of fact I am not in the habit of going to a company which has entered into an agreement with the Government and posing to it that I should change the agreement. That is the job of the Government. Unless the Government wishes to invite me to discuss the matter with the company, it is for the Government to proffer the amendment I have proposed and to ask the company what it thinks about it. I do not think it is my function to go to the company and to ask it whether it agrees to the change before I have even told the Government of my intention. Does that relieve the mind of the honourable member?

The Hon. R. F. Claughton: I simply asked the question.

The Hon. A. F. GRIFFITH: Well, the honourable member has the answer. Frankly I think that is the correct course to follow. I have not yet placed the amendment on the notice paper. I do not anticipate that the Leader of the House will be able to reply tonight to the various points raised. Perhaps he is in a position to reply to points raised by previous speakers, but I imagine he will require a little time to consider the points raised by Mr. Berry and myself. I will give him a copy of my amendment when I resume my seat, and I will place it on the notice paper tomorrow.

I proffer the amendment with the good intention of placing the Government back into the position from which, in my humble opinion, it has removed itself. At the risk of boring the House I would repeat there is no doubt in my mind that when the temporary reserve was let to Texada in 1965 the company hoped to investigate the area and, as a result of its exploration and experimentation to produce potash for use in Western Australia for agricultural purposes as well as for export. I cannot remember the exact wording, but I distinctly recall the representatives of the company explaining that to me.

THE HON. D. J. WORDSWORTH (South) [8.20 p.m.]: It is a sorry day for agriculture when a Bill such as this is presented to the Parliament. Here we have a chance for this State and, indeed, the whole country to be self-sufficient in potash production not only for use in industry but also for use in agriculture, and yet that chance is being fritted away by the changing of definitions and what-have-you. The previous Government wrote into the agreement a specific definition of "potash"; it was to be either muriate of potash or sulphate of potash, as those are the common sources of potash for use in agriculture. Now suddenly we find the word "langbeinite" being introduced, and it is a product with a composition and strength completely different from the other forms of potash.

I wonder whether members appreciate the use of potash and the expense of its application in agriculture. Members will be aware of the question I asked concerning the types of potash and their uses. The Minister explained that muriate of potash is worth $71 a ton for 60 per cent. of potash, and sulphate of potash is worth $110 a ton for 50 per cent. of potash. I do not know whether members appreciate that when one's soil is tested and one is told that it is potash deficient the recommended application is one hundredweight of potash per acre for the first year, and half a hundredweight thereafter as an annual dressing. One hundredweight of the cheapest form of potash—that is, muriate of potash—costs almost $4 and by the time it is carted and applied to the soil the cost is over $5 an acre. That is a large sum, especially when one realises that a heavy application of superphosphate costs $2 an acre.

It is staggering to be told suddenly that we must spend $5 an acre in the first year, plus $2 or $3 in each year thereafter; and this on top of the cost of superphosphate at $2 an acre. One wonders whether one will ever get one's money back at that rate. Indeed, with the price of land in Western Australia being so cheap it is far better to buy another acre of land for $60 or $70. The interest on that amount would be less than the cost of applying potash to one's present land. That is what generally happens.

We are told that 16,000 tons of potash is used each year, but the amount used should be vastly greater than that. However, our economics are such that farmers do not use potash. They amble along with lower production rates because the price of land is so cheap. I wonder how long we will continue to be lucky enough to be able to carry on agricultural pursuits in that fashion. I think we will find in future a great deal of potash will have to be used. Once two or three crops of hay have been produced in a paddock potash should be applied, particularly in the sandy soils of the south and north coasts which are, without doubt, potash deficient. I know my soils are potash deficient, but I cannot afford to buy it at that price.

Here we have a great chance to be self-sufficient in potash production, but we find the Government is switching over to langbeinite without having carried out any research into it. That is amazing; one would expect that the Government at least would have conducted a few trials with langbeinite to see whether it works, but nothing like that has been done. The Bill before us also states that the price must be competitive with other forms of potash; in other words, there must be some chance of Australia being able to use the potash that will be produced. The Government should not want the company to produce muriate of potash at $150 a ton which cannot be sold; it should reduce the price of potash and so stop our money being spent overseas for this purpose.

In answer to my question the Minister stated that it is not known what the price of langbeinite will be. That simply amazes me because the Government has written into the agreement wording to the effect that the price of langbeinite must be competitive with other products, and we know what the other products are worth. I think the Government would have some idea of what the price is likely to be. I find it difficult to believe that the Department of Agriculture would make recommendations without conducting any experiments.

The Hon. A. F. Griffith: Verbal recommendations.

The Hon. D. J. WORDSWORTH: Yes, verbal recommendations. I wonder to whom they were made. I suppose they were made to the Minister for Development and Decentralisation. Other problems are involved in the use of this product. Anyone familiar with agriculture will realise that once large amounts of certain minerals are applied to the soil a complete imbalance can be created. It may well be that we in Western Australia are not able to use magnesium on our soils; particularly the large amount of magnesium which is contained in langbeinite.

When other forms of potash are applied to the soil the amount of potash is from 50 to 60 per cent.; but in the case of langbeinite the amount of potash is only 18 per cent. Therefore there is a large quantity of some other mineral and probably a great deal of it will be sulphate of magnesium. That could well cause an imbalance in the minerals in the soil. Certainly we should know what will be the effect of large-scale top dressings of this product over a number of years. We have not been told that, and yet we are expected to pass this Bill. This amazes me.

Another matter that really astounds me is that it has always been a policy of the Labor Party to halt the large-scale extraction of minerals in Australia and their sale to overseas countries. Yet here we have the previous Government making an agreement to refine a natural product; and now that agreement is to be thrown away. The present Government is saying, "Forget about how the previous Government tied you to this; you just produce what you find is the easiest to produce and perhaps it may be able to be utilised in agriculture."

It is a sorry day for agriculture when an agreement such as this is presented to us. I only hope that very serious consideration is given to the proposed amendment. If one reads the original agreement one finds that the deposits at Lake MacLeod cover something like 900 square miles —a vast area. The Government had the chance of allowing several companies to utilise that area.

I understand the company was given the opportunity to present to the Government a proposal to be accepted or rejected; and the Government could reallocate some of that 900 square miles. I feel that as the company has not been able to present a proposal to produce concentrated potash suitable for agriculture, we should allow other companies which might be able to do so to come in. Certainly if other companies could not do it this year they may be able to produce potash within a few years. I do not believe the present company should be given full rights to the 900 square miles when it is not able to present a proposal as outlined in the agreement.

Apart from the fact that the 18 per cent. of potassium contained in langbeinite might not be suitable for agricultural purposes, I am quite certain that if langbeinite is used it will prove to be expensive by reason of the high freight cost. No doubt, the freight on a product which contains only 18 per cent. potassium will be great, particularly if it has to be carted from Carnarvon.

The serious implications to agriculture arising from the use of langbeinite should be looked at very carefully. It is possible that the same serious repercussions will be felt by industries which use langbeinite, but I am not familiar with the use of potash in industry—whether it be in existing industries or future industries. However, I am well aware of the effect of the use of langbeinite in agriculture. I support wholeheartedly the amendment proposed by the Leader of the Opposition.

Debate adjourned, on motion by The Hon. R. Thompson (Minister for Community Welfare).

HOSPITALS ACT AMENDMENT BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [8.32 p.m.]: I move—

> That the Bill be now read a second time.

The present Hospitals Act provides power under subsection (5) of section 17 for the Treasurer of the State to guarantee loans raised by boards of public hospitals appointed under the Act.

The purpose of this Bill is to extend the power to enable the Treasurer to guarantee the repayment of a borrowing by any religious or charitable organisation where the purpose of the borrowing is to enable spending on a project connected with a private nonprofit hospital or nursing home.

In the past, several applications have been received from private hospitals for such guarantees, but approval could not be given because no power exists under the Act.

Members will be aware of recent publicity concerning the proposed major building construction to be undertaken by the St. John of God Hospital, Subiaco, which will improve the standard of that hospital and enable it to assist in the teaching of medical students. The project is of importance to the State and it is most desirable for there to be a Government guarantee, if necessary, for the borrowings which will make the work possible.

It is emphasised that there is no intention to create a power of guarantee in relation to any profit-making hospital or nursing home.

Members should not confuse this matter with a Government undertaking to repay interest on moneys borrowed. This power already exists under section 7A (c) of the Act.

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

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

THE HON. I. G. MEDCALF (Metropolitan) [8.35 p.m.]: The purpose of this Bill is to extend legal advice beyond oral or verbal advice which can be given at the present time under the provisions of the Act, and to include written advice as well. This is a worth-while amendment, and if the Bill is passed the public may receive written advice if they are covered by the provisions applying to legal aid.

The second purpose of the Bill is to extend the range of matters which are covered by legal aid. For example, assistance will be provided in such matters as the Law Society may determine. The Bill seeks to give the Law Society some power or flexibility to increase the range of matters which come within the scope of legal aid.

The third purpose of the Bill is to provide for the investment of funds which accrue to the trust that administers the legal contribution fund, to enable the trust to invest the moneys to better advantage. Turning to the third purpose firstly, at the present time where the trust has to invest moneys on deposit with a bank there is no fixed period in respect of which the moneys may acquire interest.

It is well known that banks have different rates of interest for different periods. By arrangement between the trust and the banks, the latter are paying interest applicable to a period of three months. However, the trust is virtually depositing funds in the bank for a period of years, as some of these moneys have been so deposited since the fund started. However, these deposits have accrued interest only for the period that is agreed—at present a period of three months.

The object of the Bill, which is very laudable, is to ensure that the trust moneys receive the proper rate of interest. I am not suggesting that the banks have not been paying the proper rate, but as the Act now stands it is not possible for the trust to make arrangements with the banks as to the proper rate of interest. The amendment in the Bill will enable the trust to make private arrangements with banks, and will also enable the trust to invest its funds on loan to the Treasury at the discretion of the trust.

So, the trust does not have to invest its moneys with the Treasury or with the banks. It can shop around, so to speak, between the banks and the Treasury to see which offers the best rate of interest. That is very favourable, because ultimately the interest on these funds is used for legal aid provided to the public.

Of course, these funds come from the trust accounts of legal practitioners, which accounts in the past carried no interest whatsoever. These very sizable funds were channelled into special accounts when this Act first came into force, and by arrangement with the banks these funds carry interest which is used for public purposes.

I notice from the second reading speech of the Minister that he made reference to the legal aid service doing probate work for people. This struck me as rather curious, because at the present time there is provision for the Supreme Court to do such probate work. The staff of the Supreme Court are empowered to do probate work free of charge for estates, the gross value of which does not exceed $5,000.

In these days that is not a very large amount when taking into account the value of an estate, although when it was first introduced it was a reasonable figure. Under the proposed amendment in the Bill it will be possible for other estates to be handled through the legal aid service, even though the gross value of such estates may be fairly high.

This, in itself, is rather unusual—to include estates the gross value of which is not limited. So, estates of $50,000 or $100,000 might be attended to free of charge by the legal aid service. However, I am sure that a certain amount of discretion will be used in these cases.

Of course, there is a means test which is applied to anyone who seeks legal aid, but this does not affect the gross value of an estate. The means test is based on the expendable income of the person who applies for legal aid, and the expendable income is worked out in a rather curious way; for example, no allowance for rent is made, and any person seeking legal aid may not have an income in excess of $1,500 which is calculated in accordance with a formula. Nevertheless, a person who does not have any income might be a beneficiary under a will of an estate which is worth a very sizable amount. Strictly speaking, the legal aid service will be eligible to do the work for such a person.

This could lead to a rather strange result. If a person was a beneficiary under a will of a large estate and the work was attended to by the legal aid service, then that service may be spending public funds in order to argue with the Crown as to the amount of duty to be paid. So, the money would be going from one public pocket to another. Perhaps such a situation would not arise, but it could.

In general I support the proposals contained in the Bill. I want to make some further comments on other aspects. I feel that the Government and the public should

be warned about the provision of unlimited legal aid. In many cases legal aid is very necessary where, for example, the rights of a person are being trampled on; the freedom of a person to do things as a citizen is being taken away; a person has some right which he wishes to ventilate; or there is some obligation which some other person has neglected. Likewise, legal aid is very necessary in the case of a person who does not have the means to prosecute a case, and who would consequently be at the mercy of someone with money. In such cases there is no argument that legal aid should be provided. Generally speaking, subject to the rather unusual formula based on the means test, legal aid is provided under the provisions of the Act.

We should bear in mind that not all legal cases are worth the expenditure of a very large amount of public funds. Most legal cases have a value in terms of their worth to the person concerned and to the community. If a person who has the necessary funds hesitates to spend $50 of $100 to institute a private case, then there is no justification for that amount of money to be spent out of public funds. In other words, there has to be some limit on legal aid, and it must be worked out in terms of the value of legal aid to the community as well as to the person.

What I am saying is that not every case needs to be ventilated by legal aid. It is a question of evaluating whether public funds being spent in a particular case are justified in terms of the benefit being received by the person who gets the legal aid.

I think the acid test in all these matters is the old-fashioned test: whether a person with unlimited funds would be prepared to spend the money on the particular case. If an applicant is not prepared to spend his own funds on the case, why should public funds be spent on it? However, that is an aside and is not what the Bill is about. I mention that, because I believe it is the obligation of the Government, the Treasury, and of the people to be aware of the fact that where it is proposed to spend public money the community must get value from the money being spent. It might well be that the money could be better spent in some other quarters.

We should guard against Parkinson's Law creeping in and operating in the field of legal aid. What started out in a very modest way in 1967 or 1968 has now developed into something much greater than it was in those days. The legal aid service now has a staff of six, and it is likely that this Bill will increase the scope and demands.

If we increase the work load we must clearly increase the number of staff, because even now the administrative officer finds he is seldom able to interview all the applicants he would like to out of the number of applications that are made.

It has been the experience in relation to legal aid that each time there is a public discussion about increasing the legal services, a great new flock of applications are made for legal aid. They are not all eligible for legal aid and they cannot all be processed by the administrative officer. This means there is a build-up of applications, which necessitates a greater build-up of staff, and we must ensure that we do not create another huge department which in itself will absorb public funds unless, of course, we are able to guarantee that the public will receive benefit from the build-up in that area.

Accordingly we must take care not to create a huge, expensive, new department which will cost more than its value will be to the community. This is a continuing responsibility of the Government, of the Treasury and, indeed, of this Parliament. With those comments I would like to indicate my support for the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [8.47 p.m.]: I thank the honourable member for his support of the Bill and for the comments he has made; even though some of those comments were asides and possibly not directly connected with the Bill. I will certainly bring his remarks to the notice of the Attorney-General who is responsible for the measure, in order that he might direct the comments made by the honourable member to quarters where note of them will be taken to ensure that the pitfalls referred to by Mr. Medcalf will not affect future operations.

I generally find the honourable member's remarks interesting, and on this occasion I enjoyed listening to what he had to say. Once again I thank him for his comments which I will draw to the attention of the Attorney-General.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

THE HON. F. D. WILLMOTT (South-West) [8.50 p.m.]: It is not my intention to speak at very great length on this Bill, nor do I propose to offer any opposition to it. However, I am not very happy with some of the provisions contained in the

measure, and I will deal with these as I proceed. As I have said, generally speaking, I agree with the provisions of the Bill; some of them are very good.

The amendment which the Bill seeks to make to section 21 of the Act is, I think, desirable, because as the Act now stands it prohibits the sale or the marking of goods with a gross weight.

The Bill does not seek to make any alteration in connection with the sale of goods by other than net weight, but it does allow for the marking of packages with the gross weight only in cases where the package is to be transported. This seems to be quite reasonable.

I find clause 9 of the Bill rather interesting. It deals with the measures that will be used to determine the true weight of certain frozen goods. This is very necessary because, as the Minister made quite clear in his introductory remarks, in the matter of things like prawns and scallops—which are frozen in water—it is very difficult to determine the actual weight and content of fish. The same applies to other fish and, for that matter, also to such things as poultry, which absorb a tremendous amount of moisture during the freezing process.

The speed at which articles are frozen very largely determines the amount of moisture that will be absorbed by such articles. The slower the freezing process, the more moisture will the article absorb.

It will be interesting to see how this matter will be handled by regulation. I have no doubt it can be done, but it is quite obvious it is very hard at the moment to determine the actual weight of articles of frozen food after the moisture content has been removed. So, as it relates to this aspect I am in agreement with the provisions of the Bill.

A provision which does concern me, however, is that which is contained in clause 6 of the Bill. It deals with exempting sliced bread from the provisions of the Bread Act.

In spite of what has been said elsewhere, I am still very concerned with the effect this part of the Bill is likely to have. It is not only I who am concerned about this matter, because some concern has also been expressed by the Master Bakers' Association.

I rang the president of that association only this morning, because I was aware there was to be a meeting of the association yesterday afternoon. I knew of this meeting because I had been speaking to the president of the association yesterday morning.

I told him I would ring back and find out what his attitude was after the matter had been considered by the association. As I understand the position, the attitude of the association at this stage is that its members do not necessarily say "We will not have a bar of what is proposed"; that is not their attitude at all—nor is it mine for that matter.

The members of the association, however, are still somewhat concerned as to the effect this will have on bread; because I think it should be clearly understood that if we are to exempt sliced bread from the Bread Act, what we will be doing in fact is exempting something like 80 per cent. of bread sales; as I understand that about 80 per cent. of bread today is sold as sliced bread. Accordingly if this provision is accepted it will mean that 80 per cent. of the bread sold will be excluded from the operations of the Bread Act.

I am sure members who have been here for some time will recall the troubles we had some years ago in regard to amendments proposed to the Bread Act.

At that time when it was proposed to make certain amendments to the Bread Act great concern was expressed. However I think that Act has been well and truly accepted by the bread industry as a very good Act.

The method employed to control the weight of bread—that is by dough weight—is the only practicable method to use. As members know the Bread Act prescribes three loaf sizes and it also lays down the dough weight in each case. Provision is also made for bread rolls and the dough weight is also prescribed for this purpose.

If we remove this provision from the Bread Act and place it in the Weights and Measures Act we will split the control of the bread industry, because part of the control will be contained in the Bread Act and the remaining control will lie with the Weights and Measures Act. For a start I am sure this would necessitate the appointment of two different lots of inspectors, and I can foresee a considerable amount of trouble occurring in this connection.

One of the complaints that has been made by the Master Bakers' Association is that till today its members have not seen a copy of the Bill. It is rather peculiar that the Master Bakers' Association—which is so heavily involved in this matter—should not have been shown a copy of this measure. As I have said, up till this morning they had not seen a copy of the Bill.

The Hon. L. A. Logan: The Legislative Assembly let them down.

The Hon. F. D. WILLMOTT: Somebody has let them down.

The Hon. R. Thompson: The Minister did confer with them.

The Hon. F. D. WILLMOTT: I understand this is so.

The Hon. R. Thompson: The Minister apologised for the oversight.

The Hon. F. D. WILLMOTT: That is so; he did apologise for not consulting the association and giving it notice. I understand the Minister did consult the association after the matter was brought to his attention.

The Hon. R. Thompson: That is right.

The Hon. F. D. WILLMOTT: I am sure most members will appreciate that it would not matter very much if a copy of the Bill were not seen by the association as it relates to this aspect, because the provision contained in the Bill is a very simple one—it simply exempts sliced bread from the operations of the Bread Act. That is all it does. The result of this, however, could be fairly widespread because, as I have already said, it will mean exempting 80 per cent. of bread sold.

At this stage the Master Bakers' Association is not prepared to say it will not accept the position. What the association does say is that if this provision is to be removed from the Bread Act and controlled by regulation, it is fair that the association should see a draft of the regulation before it agrees to go along with this provision. I think this is a fair proposition.

The Hon. R. Thompson: At page 4 of my comments I interpolated and told the House that would be done.

The Hon. F. D. WILLMOTT: I now recall having a note on this matter but apparently it has been mislaid.

The Hon. R. Thompson: I will help you by mentioning the final few words. I said the draft regulations when drawn up will be formally submitted to the Bread Manufacturers Union of Employers for consideration and approval.

The Hon. F. D. WILLMOTT: I am pleased to hear the words "and approval". I am sorry I lost the piece of paper containing that comment. I realise it was an interpolation. The fact of the matter is that this must be done before the measure passes. Once the Bill becomes law the Master Bakers' Association would lose any say as to whether or not it agrees to this being taken out of the Bread Act.

In the circumstances, I think the stand taken by the Master Bakers' Association is reasonable. I assume the Minister will agree that the legislation will not be proceeded with until such time as the Master Bakers' Association has had the chance to look at the measure and indicate whether or not it agrees with the provision.

The Hon. R. Thompson: We will do the Committee stage tonight but leave the third reading. In the meantime, I will talk to the Minister.

The Hon. F. D. WILLMOTT: I suppose that would be all right, but I do not know why there is any need for haste in connection with this matter. I understand that uniform legislation throughout the States is required. I agree that uniform legislation is often necessary and desirable. However, I do not think uniform legislation is desirable when it means agreeing to legislation which, perhaps, is not as good as the legislation which we already have in existence.

I think the Government itself agrees with that outlook and this was demonstrated recently in debate to the Firearms Bill when the Leader of the House spoke at considerable length and with great feeling about the need for uniform legislation only if it is as good as the legislation which already exists in this State. I agree with what the Leader of the House said on that occasion.

I think we have the best legislation of all the States in connection with firearms control and perhaps, once again, we have the best legislation in connection with bread control. We should not pass the legislation until we have had a good hard look at what is proposed. When all is said and done, the supply of good bread to the public will be thrown to the wind, to some extent, when this legislation is passed because, as I have said, 80 per cent. of bread which is now sold will be exempt from the Bread Act. Probably, as time goes on, the percentage will be even higher than that. Bread, other than wrapped sliced bread, will probably go out of existence.

The Hon. L. A. Logan: Why not control it under the Bread Act?

The Hon. F. D. WILLMOTT: I was coming to that point. I think the Minister in another place said that this could be done by an amendment to the Bread Act but such an amendment could take some time to draft. I do not care whether it takes the whole of the next part of the session because I do not agree that this is a reason to reject that idea in favour of what is now proposed.

Of course, I do not know what would be proposed by way of amendment to the Bread Act and it would therefore be useless for me to say that such an amendment would be the better course. We could not make a decision until we saw what was proposed by way of amendment.

I would like the Minister to tell me which States have passed uniform legislation up to date or, if they have not yet passed it, when it is proposed that they will? I think the other States have probably not done so yet and it will be some time before they do.

Consequently, I can see no objection to allowing the legislation to lie over until the next part of the session to allow time for the matter to be looked at by the Master Bakers' Association and other interested parties. It would also give time for members to look closely at the matter because, as legislators, some of us are rather in the dark as to what the effect of this will be. This position will continue until we have seen the regulations and, as Mr. Logan

said, looked at the possibilities of amending the Bread Act because this may be an appropriate way to effect what is required.

Perhaps the Minister could suggest to his colleague in another place that it would be a better proposition to leave the legislation over until the next part of the session.

The Hon. R. Thompson: Please keep talking for five minutes.

The Hon. F. D. WILLMOTT: I thought I had said all that was necessary but I will repeat myself to some extent. Uniform legislation is, I understand, tied up with Commonwealth legislation with which I am not familiar. I know the legislation concerns uniform packaging laws. However. I do not think uniformity should be the paramount consideration. It is quite obvious from the Government's attitude to other pieces of legislation that the Government does not always think uniformity is of paramount consideration.

The Hon. R. F. Claughton: This sort of thing depends on the commodity and where it is produced. There needs to be some sort of uniformity with goods produced in the Eastern States and sold here, and *vice versa*.

The Hon. F. D. WILLMOTT: Yes, but I think the method in this State is perhaps better than methods used in other States. I cannot be quite certain of this because I am not familiar with the legislation which exists in other States. Our present Bread Act makes adequate provision for the control of bread and in saying this I am referring to correct weight, texture, and ingredients. I think both the industry and the general public would agree with this observation.

I am sure members who have been in the House for a long time will remember the time when control of bread weights was related to the baked loaf. The result was that, in many cases, members of the public were buying poorly baked bread; in other words, they were buying doughy bread which had not been baked sufficiently in an endeavour to ensure that the bread was of the prescribed weight. I fear that the same could apply with sliced bread unless we are extremely careful. It does not matter whether or not the bread is sliced, because it all goes into the oven. It is taken out and, as I have said, 80 per cent. is sliced at the present time. If we remove sliced bread from the provisions of the Bread Act the situation could easily develop whereby people would be buying doughy bread instead of the well-baked bread which they like.

The Hon. G. C. MacKinnon: This is a matter of the retention of more moisture?

The Hon. F. D. WILLMOTT: Yes, it is almost completely a question of the retention of moisture. By underbaking bread slightly, moisture is left in but, as I have said, the public buys doughy bread. This could easily happen in relation to sliced bread.

The Hon. R. F. Claughton: This is not a commodity which will pass between States but will only be produced and sold in Western Australia.

The Hon. F. D. WILLMOTT: It is a matter to be resolved through the Master Bakers' Association. I repeat that the association is not opposed to the measure but it would like to know more about the proposals before making a decision about going along with this measure or retaining the provisions in the present Bread Act. I think the association would come down on the side of the present Bread Act.

The Hon. L. A. Logan: We are talking about uniform legislation. How does the bread legislation in other States compare with ours?

The Hon. F. D. WILLMOTT: I am not sure. In fact, I am somewhat in the dark on many aspects and I would like to be enlightened. Time would give us the opportunity to find out what we do not know. With those remarks, I support the measure but I ask that further consideration should perhaps be left for some considerable time.

THE HON. L. A. LOGAN (Upper West) [9.10 p.m.]: I have given some consideration to the measure and, to some extent, I agree with Mr. Willmott. I have come to the conclusion that most of the amendments submitted are generally quite in order and I think they will make the Act better than it is at present.

Like Mr. Willmott, I am concerned about the repeal of certain sections of the Bread Act. By virtue of those provisions, prepacked sliced bread will be taken out of the Bread Act and placed in the Weights and Measures Act. As has been stated, some 80 per cent. of bread which is sold today, particularly in shops and supermarkets, is sliced bread. Possibly some families still put out a bread tin and the bread which is delivered is not sliced bread. However, the position is that 80 per cent. of all bread sold is sliced bread. Therefore, we need far more information before we consider taking this out of the Bread Act and putting it in the Weights and Measures Act. We need to know what the other States are doing in regard to uniformity as far as weights and measures are concerned and also how the bread Acts in other States compare with ours. Perhaps our Bread Act is far superior to similar legislation in other States and perhaps we would be taking the wrong action by including sliced bread in the Weights and Measures Act. On the other hand, an examination of other Acts may show that

they are comparable and, by taking sliced bread out of the Bread Act we would be in line with action which is to be taken in other States.

I suggest the Minister should consider replying tonight but, as only a few clauses are involved, he would save only a few minutes at the most if he dealt with the Committee stage this evening. We could deal with the Bill in Committee on another occasion and, in the meantime, sort out the problems which are involved.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [9.12 p.m.]: I thank both Mr. Willmott and Mr. Logan not only for their general support of the measure but also for giving me time to find out from the Minister in another place the information which is required.

The Hon. F. D. Willmott: Could the Minister speak up?

The Hon. R. THOMPSON: I was thanking both members for giving me the opportunity to make available the information which I had to obtain from the Minister who is responsible for this Bill in another place.

I understand that this type of legislation is being introduced in all States in Australia at the present time to create uniformity.

The Hon. F. D. Willmott: Does the Minister have any idea when the legislation will be passed by other States?

The Hon. R. THOMPSON: There does not appear to be any trouble in connection with the passing of the legislation. Bread is probably the only contentious issue. I understand New South Wales will be charged with the responsibility of drawing up the draft regulations which will cover the whole of Australia. The regulations will be brought before this Parliament, discussed, and varied, if necessary. The regulations which we accept will be in complete conformity with the wishes of bread manufacturers in Western Australia.

I believe it was initially suggested at the ministerial conference that 1 lb. and 2 lb. loaves should be replaced by loaves of 250 and 500 grams. However the cost to do this would have been astronomical.

The Hon F. D. Willmott: The containers already exist.

The Hon. R. THOMPSON: Apparently a standard tin is used throughout Australia. Similarly, I think it would have cost $3,000,000 to produce packets of biscuits in even milligrams. It would also have cost millions, in conversion, to alter the quantity of bottled and canned beer. Consequently, we will be buying the same quantity of beer in the future.

This is not a metric conversion measure and is not intended to be. The purpose of the legislation is to ensure that a standard net weight will be printed on at least one side of a package of every article which is manufactured in Australia.

On one occasion Mr. MacKinnon talked about king-sized packets of soap powder, and that when such a packet was opened, it was found to be only half full.

The Hon. G. C. MacKinnon: That is a few years ago.

The Hon. R. THOMPSON: Yes, it is a few years ago. A member in another place commented that each sardine in a tin could not be branded. The undertaking given to me is that the bread manufacturers are not unhappy with the situation. No change can take place until the regulations are placed on the Table of the House. If they are not agreed with in the House, they cannot be put into effect.

The Hon. A. F. Griffith: That is not right. Regulations take effect from the time they are passed by each House.

The Hon. R. THOMPSON: But the undertaking has been given.

The Hon. A. F. Griffith: Are you going to table them before they become operative?

The Hon. R. THOMPSON: It will take two months, but I will say "Yes".

The Hon. L. A. Logan: You do not proclaim the Bill until you have regulations.

The Hon. R. THOMPSON: I will again say "Yes".

The Hon. A. F. Griffith: Do you get my point: a regulation becomes effective immediately it is "ex-coed" and before it is laid on the Table of the House.

The Hon. R. THOMPSON: I take the point, and I agree with it.

The Hon. F. D. Willmott: Just for the sake of argument, what will be the situation if we pass the Bill and the regulations are disallowed? We will have no control.

The Hon. L. A. Logan: If the Bill is proclaimed before the regulations, you have nothing.

The Hon. F. D. Willmott: That is what I am saying.

The Hon. R. THOMPSON: I agree with the honourable member; I do not think the Bill should be proclaimed until such time as the regulations are agreed to by both Houses. That is fair and reasonable. The packaging of bread is the only issue in dispute.

The Hon. F. D. Willmott: Why is it necessary to pass this Bill now if the regulations are to be drafted by New South Wales? We could look at the regulations first and then pass the legislation. It can be passed in a matter of minutes.

The Hon. R. THOMPSON: I would like to have all this information, but unfortunately the Minister handling the Bill is on his feet in another place and I cannot obtain the answers. I am sure members appreciate my position.

The Hon. A. F. Griffith: One thing is clear: you cannot prepare regulations and lay them on the Table of the House in respect of a Bill which has not been proclaimed. The Bill itself is not an Act in law until it is proclaimed.

The Hon. R. THOMPSON: We will leave the Committee stage of the debate until tomorrow. In the meantime I will attempt to obtain answers to the questions raised. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

SALES BY AUCTION ACT AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly further considered from the 10th May.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. M. Thomson in charge of the Bill.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Progress was reported after The Hon. J. M. Thomson had moved that the following amendment made by the Assembly be agreed to—

Amendment No. 2.

Clause 5.

Page 4, after line 6—Add the following—

3C. (1) Where a sale by auction of cattle to which section 3A of this Act applies is conducted by a person whose license is held by him for the benefit of a firm or company under section twenty of the Auctioneers Act, 1921, any member of the police force of the State may, at any reasonable time, inspect all invoices, account sales and other records kept by the firm or company as the case may be concerning that sale.

(2) Any member of a firm or any company referred to in subsection (1) of this section—

(a) shall hold all invoices account sales and other records available for the purpose of any inspection authorised by subsection (1) of this section; and

(b) shall, on the request of any member of the police force of the State produce the invoices, account sales and other records to him for that purpose,

and any member of a firm or any company failing to comply with the provisions of paragraph (a) or (b) of this subsection shall be guilty of an offence and shall be liable to a penalty of not more than one hundred dollars.

(3) Any person who hinders any member of the police force of the State acting pursuant to the power given to him by subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty of not more than one hundred dollars.

To which The Hon. I. G. Medcalf had moved the following amendment—

Insert after the word "section" in the last line of paragraph (a) of subsection (2) of proposed new section 3C the words "for a period of not less than three years", and amend clause 5 of the Bill as follows—

Add at the end of the clause the following proviso—

Provided that the provisions of sections 3A and 3B of this Act shall not apply to any cattle sales held within the precincts of the Midland Abattoir Board saleyards at Midland.

The Hon. I. G. MEDCALF: Members will recall that progress was reported after I had moved the amendment which would have had the effect of excluding auction sales within the precincts of the Midland Abattoir Board from those portions of the Bill which require a register of cattle to be kept. Mr. White then pointed out that an anomaly existed. The first part of the amendment would have the effect of excluding new clause 3C which appears in amendment No. 2. I mentioned before and I will say again, there was never an intention to exclude clause 3C.

I propose to move another amendment shortly which I believe will overcome the problem. Before moving the amendment, it is necessary for me to ask for leave to withdraw the amendment now before the House.

Amendment on the amendment, by leave, withdrawn.

The Hon. I. G. MEDCALF: I would like to explain my proposed amendment. Its object is to overcome the difficulty raised by Mr. White. It will be necessary for stock agents operating at the abattoirs to obtain and keep their invoices and accounts of sale for cattle sold at Midland for not less than three years, and to make these records available to police or other interested parties.

In addition to this, the amendment will provide that it is not necessary to keep a register of sales at the Midland Abattoirs.

The reason for this is simply that it is necessary to keep all records there for a period of three years. These records will contain all the information which the register would contain and the invoices will be available even if a register is kept. Therefore, the register will only be an unnecessary duplication.

The amendment will only apply to sales at Midland Junction Abattoir. I move—

> That the amendment made by the Assembly be amended by deleting the words "cattle to which section 3A of this Act applies" and substituting the words "bulls, bullocks, cows, heifers, steers, calves, ewes, wethers, rams, or lambs" and inserting after the word "section" in the last line of paragraph (a) of subsection (2) of proposed new section 3C the words "for a period of not less than three years", and amending clause 5 of the Bill as follows—
>
> Add at the end of the clause the following proviso—
>
> Provided that the provisions of sections 3A and 3B of this Act shall not apply to any cattle sales held within the precincts of the Midland Abattoir Board saleyards at Midland.

The Hon. J. M. THOMSON: I have no objection to the amendment. In fact, I support it.

Council's amendment on the Assembly's amendment put and passed; the Assembly's amendment, as amended, agreed to.

Sitting suspended from 9.29 to 10.16 p.m.

Report, etc.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

A committee consisting of The Hon. R. Thompson (Minister for Community Welfare), The Hon. I. G. Medcalf, and The Hon. J. M. Thomson drew up reasons for not agreeing with amendment No. 1 made by the Assembly.

Reasons adopted and a message accordingly returned to the Assembly.

SALE OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

THE HON. I. G. MEDCALF (Metropolitan) [10.16 p.m.]: This is a very small Bill and I propose to support it. Its purpose is to amend section 17 of the principal Act, which deals with misrepresentation by land developers and others in respect of land development projects. Members will recall that when this Act was passed during the term of the previous Government a considerable amount of debate ensued on some of the sections, but not on section 17. The effect of the section is that land developers and others who are promoting land sales must be extremely careful when they refer to any public amenity such as a reserve, roads which will pass through the land, a reservation made by the Town Planning Department, or indeed any amenity at all. They may not refer to any such amenity unless that amenity has in fact received full approval; otherwise they are deemed to be misrepresenting the project to the intending purchaser.

The Minister quite clearly set forth in his second reading speech the purpose of the amendment. It is designed to ensure that no statements will be made by land developers or others unless either firstly all the approvals have been given by all the appropriate authorities; or, secondly, the developer or other person makes a statement that the approvals have not yet been given or that he does not know whether or not they have been given. I think the amendment is quite reasonable. I feel the parent Act goes too far and imposes rather severe limitations on people who are attempting to promote land development. For that reason I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.18 p.m.]: I thank Mr. Medcalf for his support of the Bill. It is a simple measure which seeks to do exactly what the honourable member explained to the House. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.21 p.m.

Legislative Assembly

Tuesday, the 15th May, 1973

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

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Jamieson (Minister for Works), and read a first time.