A further extract reads—

> Another letter sent about April to me to say she was coming for the day I did not receive as she called as I was getting ready to go out . . .
>
> I.C.S. Pest Control wrote to me asking if it was suitable to call at a specified time last November, as I had not received the letter and had not rung them, they rang a neighbour to find out if I still wanted them to come, I went up to negihbour's place to tell them I had not received any mail, and to please come.

She also had an appointment with KEMH about which she never received advice, and this would have made it extremely difficult for her.

Mrs Hardisty had gone to a great deal of trouble in an attempt to resolve her problem. She approached the then Postmaster-General himself (Mr Lionel Bowen) and Senator Wilkinson who obviously did a great deal in an attempt to obtain satisfaction for her. An investigation was held within the post office but in the end it seemed no satisfactory resolution could be obtained from that kind of approach. She also wrote to the Ombudsman of the *Daily News*, who did what he could, and later to the Liberal Federal member for Stirling (Mr Viner) who informed her that the previous action she had taken could not have been bettered.

The Scarborough Ratepayers' Association took up the case and circulated a petition. Unfortunately the petition, which is directed to the Legislative Assembly, is not properly addressed, so it is not possible to deliver it to Parliament. I merely indicate to members that a petition was taken up and some 137 signatures are attached to it. I have it here if members wish to examine it. The terms of the petition request the Parliament to conduct an investigation into the nondelivery of mail in this State.

I bring this matter before the House with a request that the Government take whatever steps it can to resolve the kind of problem these people are facing. It is not uncommon to find letters in the daily Press expressing dissatisfaction or stating problems people are experiencing with the delivery of mail, and I hope the Government itself will take some action to have an investigation made into the state of the mail service to see whether these problems can be overcome in some way.

Finally, I would like to point out that some of the people to whom I have spoken expressed very high praise for the postal service. I do not think in the bulk of the mail that is handled there is any difficulty at all. The mail I send out is always delivered promptly and as far as I know there have been no problems with mail being lost. I would not like it to be thought I was being critical of the postal service as a whole, but I think sufficient evidence has been presented to me to warrant the Government seeking some investigation of these problems.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.14 p.m.]: I am sure we all found that interesting but I think it would probably be appropriate if I sent the complaint on to Senator Bishop.

It is odd that one week we are roundly upbraided by the Opposition for making what was said to be unfair criticism of the Federal Government, and the next week we face, on the adjournment of the House, a motion upbraiding an instrumentality which is under the control of the Federal Government.

We appreciate the problems mentioned by the honourable member. The efficiency has dropped markedly over the last couple of years.

The Hon. D. K. Dans: Over the last 10 years.

The Hon. G. C. MacKINNON: I will send the matter on for the attention of Senator Bishop to see whether the situation can be improved.

Question put and passed.

House adjourned at 3.15 p.m.

Legislative Assembly

Thursday, the 11th September, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

BILLS (4): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Friendly Societies Act Amendment Bill.
2. University of Western Australia Act Amendment Bill.
3. Stipendiary Magistrates Act Amendment Bill.
4. Metric Conversion Act Amendment Bill.

QUESTIONS ON NOTICE

30th September: Closing Time

THE SPEAKER (Mr Hutchinson): For the information of members I advise that as Parliament is to adjourn for a period of two weeks the closing date for questions on notice for Tuesday, the 30th September, will be at 4.00 p.m., on Thursday, the 25th September.

QUESTIONS (63): ON NOTICE

1. VEALERS

Delivery to Branding Depots

Mr BARNETT, to the Minister for Agriculture:

(1) Is he aware that great hardship is being experienced by farmers who are now precluded from delivering their vealers to Government branding depots?

(2) Is he prepared to re-allow farmers to deliver vealers to Government branding depots subject to the conditions that used to apply or any others that he may feel necessary?

(3) If (2) is "No" then why not?

Mr OLD replied:

(1) I am aware of objections by some producers to the decision by the Public Health Department to prohibit, on the grounds of potential health risk, the acceptance of farm killed vealers into the metropolitan area.

Pending present negotiations with the Australian Meat Industry Employees Union regarding the slaughter of bobby calves and vealer calves at Midland Junction Abattoir and West Australian Meat Export Works I am hopeful that specially low slaughtering rates will be able to be implemented at the Government works for these categories of calves.

(2) and (3) My colleague, the Minister for Health, has informed me that he is currently having an investigation made into this matter.

2. TOWN PLANNING

Coastal Areas: Development Priority

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

Further to questions on notice 10 and 72 asked on 29th April and 8th May respectively, which of the coastal settlements between Yanchep and Dongara have been selected for priority servicing and development?

Mr RUSHTON replied:

Apart from commitment to develop Leeman as a residential base for a mining venture at Eneabba, no decisions have been made.

3. TOWN PLANNING

Coastal Areas: Policies

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Further to questions on notice 8 and 71 asked on 29th April and 8th May respectively, are the Town Planning Board's policies concerning coastal development and residential/tourist development subdivisions readily available to the public on request in regard to the coast between—

(a) Geraldton and Jurien;

(b) Peelhurst and Bunbury;

(c) Gracetown and Albany;

(d) Bremer Bay and Esperance?

(2) If not, why not?

Mr RUSHTON replied:

(1) Coastal development policies for specific areas are reflected in planning schemes which are available for inspection. Further coastal development policies are evolving out of surveys being carried out in relation to regional studies such as that in progress for the area between Mandurah and Bunbury and out of surveys for local planning schemes.

Public comment is sought in the preparation stage and the policies which emerge will be available. Persons interested in or contemplating coastal development can discuss the issues with officers of the Town Planning Department.

(2) See above.

4. ENVIRONMENTAL PROTECTION

Coastal Areas: Policies

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) Further to question on notice 67 asked on 8th May, what stage has been reached by the EPA in the formulation of a recommended statutory environmental protection policy for the south-west coast?

(2) When is it anticipated that a proposed policy will be publicised?

(3) What consideration has the EPA given to formulating similar policy concerning other portions of the Western Australian coast?

Mr P. V. JONES replied:

(1) The matter is still being analysed by the Environmental Protection Authority taking cognisance of public comments.

(2) No date has been fixed as yet.

(3) The Environmental Protection Authority is in the process of developing an environmental policy for the coastal strip between Kalbarri and Esperance.

5. ENVIRONMENTAL PROTECTION

Policy Proposals: Notice

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) Further to question on notice 7 asked on 25th March, when is it likely that the EPA will give public notice of policy proposals, pursuant to section 36 of the Environmental Protection Act, concerning—
  (a) the coast;
  (b) wetlands;
  (c) arid lands;
  (d) estuaries;
  (e) mineral sands mining;
  (f) management of the Darling Range?

(2) Which of the above listed environmental aspects are under active study with a view to the formulation by the EPA of recommended statutory policy?

Mr P. V. JONES replied:

(1) (a) The present plan is to announce a policy in the near future regarding the coastal strip.
  (b) The Environmental Protection Authority has circulated on the 12th February, 1974, a set of principles regarding wetlands, and this set is serving as useful guidelines for the Town Planning Department, for example, in land planning.
  (c) to (f) These matters are still under review in the light of the knowledge being gained, for example, from the Conservation Through Reserves Committee report and the Blackwood River study, both of which have been made public.

(2) Answered by (1).

6. STATE FORESTS

Dieback Disease: Affected Areas

Mr A. R. TONKIN, to the Minister for Forests:

(1) Further to question on notice 3 asked on 24th April, what are the areas of State forest presently infected by *phytophthora cinnamomi* and what is the area categorised as "suspect die back"?

(2) Will he table a map summarising the extent of die back infestation and severity, including southern forest areas?

(3) (a) In regard to the severity rating of 20% +, has a more detailed assessment been made which further indicates severity above 20% in appropriate increments;
  (b) if so, could this information also be provided?

Mr RIDGE replied:

(1) The most recent estimates of the area of the State forest known or suspected of being infected by *phytophthora cinnamomi* is 170 000 ha.

  Detection and mapping techniques are such that the area categorised as "suspect dieback" cannot be isolated.

(2) Yes.

(3) (a) Detailed mapping is available showing approximate locality of dieback and suspect dieback as one category. Maps have not been prepared to show a more detailed break up of severity classes above 20%.
  (b) Answered by (3) (a).

The plan was tabled (see paper No. 381).

7. STATE FORESTS

Jarrah and Karri: Working Plan

Mr A. R. TONKIN, to the Minister for Forests:

(1) (a) Further to question on notice 21 asked on 1st May, is it intended to make the general working plan available for public comment, prior to the Governor's approval of it;
  (b) if not, why not?

(2) (a) Is it intended to make the general working plan available to the EPA for comment, prior to the Governor's approval of it;
  (b) if not, why not?

Mr RIDGE replied:

(1) (a) No.
  (b) The proposals contained in the plan will conform to previously stated policy. The Government will always give consideration to soundly based proposals for amendments to policy. Such proposals must of necessity have regard for the environmental, social and

economic aspects involved in the multiple use management of the limited forest resource available.

(2) (a) No.

(b) Any matter falling within section 57 (1) of the Environmental Protection Act, 1971 will be referred as provided. In the preparation of the working plan and any other plans relating to forest management the Forests Department and the Department of Conservation and Environment will continue the high level of consultation which already exists.

8. LAPORTE TITANIUM

Effluent Disposal Committee

Mr A. R. TONKIN, to the Minister for Works:

Further to question on notice 17 asked on 1st May, would he list the terms of reference and membership of the Laporte Effluent Disposal Committee?

Mr O'NEIL replied:

The terms of reference of the Laporte Effluent Disposal Committee as constituted in April 1970 are—

To investigate alternate methods of disposal of the Laporte effluent which should include the following and any others the committee may consider appropriate—

(a) Marine pipeline.

(b) Pipeline and self-propelled barges.

(c) Injection wells into saline aquifers.

(d) Chemical treatment for removal of iron.

Membership—

D. Bryden (Chairman)—Executive Engineer, Public Works Department.

R. Gorman—Director, Government Chemical Laboratories.

A. McKelvie—Technical Director, Laporte Australia Pty. Ltd.

P. Browne-Cooper—Acting Assistant Director, Department of Conservation and Environment.

M. Anderson—Engineer, Harbours and Rivers, Public Works Department.

J. Abbott—Engineer, Irrigation and Drainage, Public Works Department (operates current disposal system).

J. D. Crosby—Principal Assistant Planning, Department of Industrial Development.

E. R. Biggs—Environmental Geologist, Department of Mines.

Dr D. Hancock—Chief Research Officer, Department of Fisheries and Wildlife.

9. LAND

Scott River National Park

Mr A. R. TONKIN, to the Minister for Lands:

Further to question on notice 35 asked on 8th May, since Reserve 25856 was specifically created as an obligation of the State under the provisions of the Iron Ore (Scott River) Agreement Act, 1961, and the land involved was excised from the Class "A" Scott River national park with Parliament's approval at the time, will the Government now undertake to reinstate the land as part of the Scott River national park?

Mr RIDGE replied:

The question asked appears to have no relevance to question 35 of 8th May, 1975, which referred to the Ludlow tuart forest, but it is assumed the Member is referring to question 38 on that date.

Only part of reserve 25856 was excised from Class "A" reserve 25373 in 1962, and the balance of the reserve was provided from Crown land.

The Lands and Surveys Department will negotiate with the Mines Department to ascertain whether reserve 25856 may now be cancelled to allow the land to be included in Class "A" reserve 25373.

10. ENVIRONMENTAL PROTECTION

Hamersley Range National Park

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) In regard to the report in *The West Australian* of 30th June, 1973, concerning land swapping in the Hamersley Range national park, what specific recommendations did the Conservation Through Reserves Committee make—

(a) in regard to each area proposed to be excised from the national park;

(b) in regard to each area that Mr Lang Hancock had suggested might either be added to this national park or become separate national parks in their own right?

(2) What advice, if any, has the committee or the EPA offered to the W.A. National Parks Board in regard to Mr Hancock's proposals?

(3) Could a map outlining all of the areas involved please be tabled?

(4) For what other areas, of the portion of the State covered by the CTRC's August 1974 report, has the committee made recommendations but which have not been published in that report?

Mr P. V. JONES replied:

(1) to (3) This entire matter is under intensive present review by the Environmental Protection Authority, and rather than give a partial answer at this time, I undertake to provide the Member with a complete reply in the very near future.

(4) None.

11. PENSIONERS

Motor Vehicle Licenses

Mr HARMAN, to the Minister for Traffic:

(1) When was the decision made that a free motor vehicle license would be granted when the combined pensions of husband and wife are less than the basic wage?

(2) When was the decision made that a half-rate motor vehicle license would be granted when the combined pensions of husband and wife exceed the basic wage by less than $6?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) The decision, that a free motor vehicle license would be granted when the combined pensions of husband and wife were less than the basic wage, was made in 1957.

(2) The decision, that a half rates motor vehicle license would be granted when the combined pensions of husband and wife exceeds the basic wage by less than $6.00, was made in 1957.

12. INDUSTRIAL SAFETY

Code

Mr HARMAN, to the Minister for Labour and Industry:

Referring to the code of general principles applying to occupational safety and health in Western Australian Government employment, will he advise who is responsible to oversee the code and enforce its provisions?

Mr GRAYDEN replied:

The code provides for the "head officer" who is defined as the permanent head of a department, or the chief functional officer of an instrumentality to ensure that the provisions contained in the code are applied in his department or instrumentality (section 2.1 of the code).

13. INDUSTRIAL DEVELOPMENT

Stockinette Bags: Local Production

Mr HARMAN, to the Minister for Industrial Development:

(1) Is it a fact that the W.A. Meat Exports Ltd. exports meat in stockinette bags imported from overseas?

(2) Is it a fact that stockinette bags are also made or could be made in Western Australia?

(3) If so, would he arrange for this Government instrumentality to purchase Western Australian made stockinette bags?

Mr MENSAROS replied:

(1) The bags in which meat is exported by the W.A. Meat Export Works are made in Western Australia, from stockinette imported from overseas.

(2) No stockinette of suitable quality is currently produced in Western Australia, although it is understood that plans are in hand to produce an acceptable material.

(3) I am always fostering the use of Western Australian goods and services and this policy is being more vigorously pursued than ever. In the particular case as soon as suitable material is available from a local source, I will as a matter of course make appropriate representations to the Minister responsible for the operations of the W.A. Meat Export Works.

14. INDUSTRIAL SAFETY

Department of Labour: Specialist

Mr HARMAN, to the Minister for Labour and Industry:

(1) Did he undertake to establish a cadre of specialist safety officers within the Department of Labour?

(2) What are the precise details?

Mr GRAYDEN replied:

(1) Yes.

(2) Apart from employing a qualified industrial safety liaison officer, a specialist safety officer for the meat industry has been active for over 12 months.

Other officers in the department have been selected for their skill and knowledge in occupational safety, health and welfare and these officers are being utilised in a variety of situations.

15. WEST COAST HIGHWAY

Link with Karrinyup

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) (a) Further to questions on notice 21 asked in the Legislative Assembly on 7th May and 1 asked in the Legislative Council on 8th May, what approaches has the Stirling City Council made concerning ing a direct link or deviation of West Coast Highway to Karrinyup;

(b) have any such proposals involved routing a road through the large area of regional open space known locally as the "bird sanctuary" situated between Karrinyup Road, Elliot Road and West Coast Highway?

(2) (a) What is the status, control and specific purpose of this area of open space;

(b) what endeavours have been made to ascertain and evaluate its open space resources and values?

Mr RUSHTON replied:

(1) (a) A suggestion by Stirling City Council resolution that the possibility be investigated has been passed to the consultants investigating the West Coast Highway question.

(b) Yes.

(2) (a) Major portion is Crown land reserved for parklands; small portion owned by MRPA: the whole being reserved for parks and recreation in the metropolitan region scheme.

(b) No specific studies have been undertaken but informal preliminary discussions on the future use of this area have been held with officers of council.

16. PINE PLANTATIONS

Recycled Waste Water: Use

Mr A. R. TONKIN, to the Minister for Forests:

(1) To what extent has the Forests Department been involved in studies by the CSIRO in the utilisation of recycled waste water for the irrigation of pines?

(2) In general terms what is the nature of the study, and what progress has been made?

(3) In which areas of the Perth metropolitan region have field trials been undertaken?

Mr RIDGE replied:

(1) The Forests Department is corroborating with CSIRO in this study and to date its participation has mainly concerned the preparation of the site and supply and planting of the pines.

(2) The study investigates the effect of effluent on tree growth and specifically aims to determine whether effluent can be employed to promote growth on pine trees.

The pines have now been treated by trickle irrigation for three years and have shown a considerable response in growth. Some minor element deficiencies were diagnosed and have been corrected by treatment.

(3) The trial is restricted to Beenyup.

17. SOILS

Information on Capabilities

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) Further to question on notice 15 asked on 1st May, is the soils information available able to indicate growing capabilities in terms of market gardening, orcharding, floral nurseries, pine plantations, etc.?

(2) If so, has this type of information been sought by the Town Planning Department or MRPA?

Mr OLD replied:

(1) The land resource inventory is essentially of a long term nature. However existing information is adequate for the various purposes outlined.

(2) My department is frequently consulted on subdivisions within the greater metropolitan area and specific information in relation to soils is provided when sought.

18. SEWERAGE

Wanneroo Districts

Mr A. R. TONKIN, to the Minister for Water Supplies:

(1) (a) What type of sewerage systems are presently in operation in the Whitfords-Mullaloo, Yanchep-Two Rocks, and Wanneroo townsite areas and which authority manages them;

(b) what types of system are proposed to cater for continued residential growth?

(2) (a) What quantities of treated sewage are handled in the district at the present time and by what methods is it disposed of;

(b) what quantities of treated sewage are likely to be handled in the district by 1980 and what disposal methods is it envisaged will be employed?

Mr O'NEIL replied:

(1) (a) Whitfords—piped sewage to Beenyup wastewater treatment plant.
Mullaloo—septic tanks
Yanchep—septic tanks
Two Rocks (townsite only)—piped sewage to Two Rocks treatment plant
Wanneroo townsite—piped sewage to Beenyup treatment plant.

The piped systems in Whitfords and Wanneroo townsite are managed by the Metropolitan Water Board. The Two Rocks system is operated and maintained by the Metropolitan Water Board on behalf of the Wanneroo Shire at the expense of the developer.

(b) In the board's area continued expansion of the piped system with treatment at Beenyup is proposed.

(2) (a) Beenyup Treatment Plant—1.5 million gallons per day is disposed of on site by temporary spread irrigation and surface spreading.

Two Rocks plant—1 300 gallons per day is disposed of by spread irrigation on a nearby sand site.

(b) Beenyup treatment plant—5 to 6 million gallons per day (depending on population growth and rate of connection) presently proposed to be disposed of via an ocean outlet.

Two Rocks—The board has no information on the future at this area.

19. LAPORTE TITANIUM

Industrial Effluent

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Further to questions on notice 13 and 32 asked on 1st May and 15th April respectively, does he consider that present arrangements for effluent disposal from the Laporte plant are satisfactory?

(2) Further to Press reports in 1970 concerning a new $10 million beach sands refining industry planned for the Bunbury district, what discussions have taken place with Chlorine Technology Pty. Ltd. and/or Cable (1956) Ltd. concerning the establishment of an ilmenite upgrading plant?

Mr MENSAROS replied:

(1) Yes, although they are considered an interim or short term arrangement only.

(2) There have been no recent discussions, although I understand feasibility studies are proceeding.

20. BUSSELL HIGHWAY

Ludlow Tuart Forest: Verges

Mr A. R. TONKIN, to the Minister for Transport:

(1) Further to question on notice 1 asked on 8th May, 1975, would the Bussell Highway south of Margaret River provide a reasonable example of "forgiving" road verges?

(2) Further to question on notice 34, asked on 15th August, 1974, and the reference to tuart forest in the road verge committee's report, does the Main Roads Department intend to provide "forgiving" road verges along Bussell Highway where it passes through the Ludlow tuart forest south of the Ludlow River?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) Generally yes, but there are some sections where this description would not apply.

(2) Not in the foreseeable future.

21. LAND

Natural Materials for Road Works

Mr A. R. TONKIN, to the Minister for Lands:

Further to question on notice 7 asked on 7th May, could a copy of the delegation of authority, concerning the removal of road construction materials by the Commissioner of Main Roads pursuant to section 15/Third Schedule of the Land Act be tabled?

Mr RIDGE replied:

This was published in the *Government Gazette* dated 20th June, 1930, page 1498.

22. LAND

Natural Materials for Road Works

Mr A. R. TONKIN, to the Minister for Works:

Further to question on notice 7 asked on 7th May, on what date was authority delegated to the Commissioner of Main Roads to remove roadmaking materials from specified lands under the provisions of section 112 of the Public Works Act?

Mr O'NEIL replied:

31st December, 1974.

23. LAND

Wesbeef Holdings Pty. Ltd.: Developments

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Further to question on notice 39 asked on 8th May, now that the Conservation Through Reserves Committee's report has been made public, what conclusions has the planning and co-ordinating authority now reached concerning the Wesbeef proposal?

(2) Is the company persisting with its proposals to develop cheap public land on the south coast?

Mr MENSAROS replied:

(1) The Planning and Co-ordinating Authority has recently confirmed its earlier advice that it was unable to support the proposal.

(2) Not as far as I am aware.

24. JUMBO STEELWORKS

Two Rocks Site

Mr A. R. TONKIN, to the Premier:

Further to question on notice 4 asked on 24th April, does the Government consider that the possible establishment of a jumbo steel plant in the north-west corridor between Two Rocks and south of Guilderton, and capable of generating an "instant" population of over 75 000 people, would be a satellite development or merely an extension of urban sprawl along the coast from Perth?

Sir CHARLES COURT replied:

It is a hypothetical question. However, we anticipate that, if a decision were made to establish such a plant to the north of Two Rocks, then an important dormitory area for the workforce would be in the northern corridor for which planning and development would proceed in any event.

25. STATE FORESTS

Dieback Disease: National Parks

Mr A. R. TONKIN, to the Minister for Forests:

(1) Further to question on notice 9 asked on 1st May, what is the extent and severity of any occurrence of dieback in the Beedalup, Warren and Sir James Mitchell national parks?

(2) What is the extent and severity of dieback occurrence in the Meelup reserve (No. 21629)?

Mr RIDGE replied:

(1) No dieback has been mapped on the Beedalup or Warren National Parks. It is possible that infection has occurred but present knowledge indicates that soil types and species in these parks are such that the disease would have little effect.
The Sir James Mitchell National Park is mapped as heavily infected on more susceptible sites primarily associated with flats. Several of these infections are severe.

(2) No dieback has been mapped on the Meelup reserve, though local information suggests small infections may be present.

26. WOOD CHIPPING INDUSTRY

Resources from Private Land

Mr A. R. TONKIN, to the Minister for Forests:

(1) What provisions have been or are being made for the wood chipping industry to accept chipwood resources cut from private land within the south-west?

(2) What interest has the Government taken in the possibility of the clearing of private land for the supply of chipwood resources to the Manjimup woodchip mill?

Mr RIDGE replied:

(1) No formal provision has been made for the receipt of chip material from private property. Neither the Government nor the company is in control of clearing on private land. However, the company has agreed to receive material from *bona fide* clearing for development purposes on private property in order to avoid waste.

(2) Supply of woodchip material from private property has been given a lot of consideration. The quantity will be limited due to the need to maintain a balanced logging programme in sawlog and

wood chip material. Priority of acceptance will be given to material from clearing in the higher rainfall areas where there will be no adverse effect on water quality.

27. *This question was postponed.*

28. TOWN PLANNING
Regional Open Space Proposals

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Further to question on notice 43 asked on 8th May, what is the Government's attitude and policy to the philosophy expressed in the 1955 Stephenson-Hepburn Report that areas of region open space, like the Rockingham Lakes, metropolitan coast and Swan/Canning Rivers' foreshores are regional responsibilities rather than local responsibilities?

(2) Has the MRPA yet decided whether local or a more appropriate authority (e.g., regional authority) should manage region open space which is not clearly national parks or wildlife sanctuaries?

Mr RUSHTON replied:

(1) The Government's policy and philosophy is reflected in the provisions of the Metropolitan Region Town Planning Scheme Act.

(2) No. The question of the development and maintenance of land reserved for parks and recreation under the metropolitan region scheme is one which the MRPA is currently considering.

29. TOWN PLANNING
Canal Estate Development

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

Further to question on notice 19 asked on 29th August, 1974 does the Town Planning Department or the Town Planning Board favour canal-estate development in the Wonnerup-Quindalup area?

Mr RUSHTON replied:

The Town Planning Board considers proposals for canal estate subdivision in the light of planning and environmental policies declared in planning schemes.

Where a proposal is made outside an area covered by an approved scheme, each proposal is considered on its merits including environmental impact.

30. LAPORTE TITANIUM
Industrial Effluent

Mr A. R. TONKIN, to the Minister for Works:

(1) Further to question on notice 38 asked on 7th May, what is the annual cost to the State likely to be of continued effluent disposal in the sand dunes, if Laporte Titanium's output is doubled?

(2) What has been the reaction from the company to the Government's approach for it to assist financially in effluent disposal, and what has been the outcome?

(3) (a) Was the company's reaction taken into account before authorising plant expansion/increased production;

(b) if not, why not?

Mr O'NEIL replied:

(1) $150 000/annum.

(2) The company has agreed to contribute $35 000 annually towards the cost of effluent disposal under existing conditions. It is also sharing the cost of investigation into alternative methods and has agreed to consider contributing to a final disposal scheme.

(3) (a) The Laporte Industrial Factory Agreement No. 39 of 1961 already provides for the company to expand production.

(b) Answered by (a).

31. INDUSTRIAL DEVELOPMENT
Steel Production: Volume of Slag

Mr A. R. TONKIN, to the Minister for Industrial Development:

Further to questions on notice 16 and 4, asked on 24th and 29th April respectively, for how many years is the slag disposal area along the shores and in the waters of Cockburn Sound likely to cater for the existing AIS blast furnace output?

Mr MENSAROS replied:

Any estimate would be purely hypothetical as no slag has been placed in the area to date, and I am unable to say when there may be a need to utilise the area.

32. INDUSTRIAL DEVELOPMENT
Steel Production: Volume of Slag

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Adverting to question on notice 4 of 29th April, 1975 concerning the volume of slag in production of steel, is his answer inaccurate to a factor of 1 000?

(2) If not, how can he reconcile the figure with other answers given by him in the House?

Mr MENSAROS replied:

(1) and (2) The answer to the earlier question should have read 2 500 000 cubic metres.

33. LAND

Rockingham Lakes: Designation

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the status of the Rockingham Lakes?

(2) If it is designated a national park why is this reserve not vested in the W.A. National Parks Board?

Mr RIDGE replied:

(1) and (2) There is no reference to the "Rockingham Lakes" in the Department of Lands and Surveys. If the Member could be more specific the required information will be made available.

34. WOOD CHIPPING INDUSTRY

Resources from Private Land

Mr A. R. TONKIN, to the Minister for Forests:

(1) What fraction of the Manjimup wood chipping license area is comprised of private land?

(2) Is it a fact that one-half of this private land has not been cleared?

(3) If not, what is the correct approximate fraction?

(4) Is it a fact that catchment salinity is related to clearing, especially that of a permanent nature?

(5) What consideration is the Government giving to the implications of further clearing of private land in the license area?

Mr RIDGE replied:

(1) 19.25% or approximately 1/5th.

(2) No.

(3) Probably between 50% and 60% of the private land has been cleared. An accurate assessment would take more time to obtain.

(4) Yes; but only where salt is stored in the profile of the soil being cleared.

(5) This question should be directed to the Minister for Conservation and Environment.

35. LOCAL GOVERNMENT

Employees: Engagement in Private Business

Mr TAYLOR, to the Minister for Local Government:

Does he still intend to introduce ligislation this session covering the situation where local authority officers or employees indulge in private business practices perhaps in conflict with their council duties?

Mr RUSHTON replied:

No.

36. POLICE

Shirley Finn Case: Papers

Mr J. T. TONKIN, to the Minister for Police:

(1) Was the office of the consorting squad ransacked approximately one month ago and some papers containing details relating to inquiries into the murder of Shirley Finn removed?

(2) If "Yes" has the removal of the papers caused serious disruption of the inquiries which are being made by the police into the murder of Shirley Finn?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) No.

(2) Answered by (1).

37. CATTLE

Auctions

Mr H. D. EVANS, to the Minister representing the Minister for Justice:

(1) Has/have there been any action/s taken against any auctioneer/s or employer/s where the auctioneer is employed by the owner of a cattle saleyard, and that owner is the buyer of cattle sold at an auction, and at the same time is the owner of such cattle through a bill of sale?

(2) If "Yes" where and when was such action taken, and under what Act?

(3) Does the Trade Practices Act have a bearing on a situation referred to in (1)?

Mr O'NEIL replied:

(1) No. However, if a complaint were made concerning a sale of this nature, section 22 of the Auction Sales Act provides that, if any impropriety was substantiated action could be taken for the cancellation of the license held by the auctioneer or the firm involved.

(2) Answered by (1).

(3) The Trade Practices Act is administered by the Commonwealth.

38. LYNWOOD SCHOOL
Sports Ground

Mr BATEMAN, to the Minister representing the Minister for Education:

(1) Is it the intention of his department to fully grass the Lynwood Primary School playing oval before summer of this year?

(2) If "Yes" will he advise when the contract will be let?

(3) If "No" will he give full reasons why such works are not being proceeded with?

Mr GRAYDEN replied:

(1) to (3) The work is listed for attention on the estimates for the current financial year. Firm details on actual works to be undertaken are not available.

39. RAILWAYS
Bridgetown Depot: Closure

Mr H. D. EVANS, to the Premier:

(1) Has the Government considered the report of the committee of inquiry into the removal of the railway depot from Bridgetown to Manjimup?

(2) If so, on what date does the Government propose to move the depot from Bridgetown to Manjimup?

(3) Which of the recommendations made by the committee does the Government intend to adopt and implement, and which recommendations will be rejected?

(4) If no decision has been taken by Cabinet when is it expected an announcement will be made?

Sir CHARLES COURT replied:

(1) Yes.

(2) to (4) The Government released the document for public discussion and Ministers concerned are reviewing the recommendations. The committee will be visiting Bridgetown on the 22nd September to discuss its report with the community and the Bridgetown Shire has asked that a decision be delayed until it has had time to consider the report in detail. I am not able to indicate at this time when a decision to either retain the railway depot at Bridgetown, or move it to Manjimup, will be made.

40. HOSPITALS AND MEDICAL SERVICES
Port Hedland

Mr JAMIESON, to the Minister representing the Minister for Health:

(1) Is the Minister aware of the concern of the people of Port Hedland and South Hedland about the inadequate hospital, medical, and dental facilities in the area?

(2) How many dentists and doctors are at present in this region?

(3) What is considered to be the ideal ratio population to—

(a) medicos;

(b) dentists,

to adequately service an area?

(4) What plans has the Government for improving facilities in this locality?

(5) When is it proposed that a hospital will be built at South Hedland?

(6) Are there any plans for extending the present Port Hedland hospital under consideration?

Mr RIDGE replied:

(1) Yes.

(2) There are two dentists in Port Hedland and, in addition, 1 covering Shay Gap and Goldsworthy.

There are six doctors, including a specialist orthopaedic surgeon and the Regional Director, Community Health Services. In addition, one general surgeon will commence duty shortly.

(3) (a) and (b) There are no generally accepted ideal figures.

(4) Some areas of the Port Hedland hospital are to be upgraded and a health centre is to be constructed at South Hedland. Tenders for the latter will be called in January, 1976, subject to the availability of funds.

Three dental clinics will be incorporated in the proposed South Hedland Health Centre. This will provide working space for five dentists in Port Hedland/South Hedland.

Proposals for an improved school dental service utilising the services of school dental therapists are being considered.

(5) No decision has been made.

(6) Yes. A new administration area and the remodelling of the existing administration area to enable the provision of better outpatient facilities. The upgrading of catering facilities is also intended. This project is dependent upon the availablity of funds.

41. POLICE

Rape Cases

Mr DAVIES, to the Minister for Police:

Would he table copies of reports in his possession or in the possession of the Police Department which relate to work done by his office or the department dealing with the question of the incidence of rape, as he indicated he would so do in Parliament recently?

Mr O'Neil (for Mr O'CONNOR) replied:

In the time available I have been unable to ascertain the precise undertaking of the Minister for Police in respect of the tabling of certain reports. If the Member cares to be more specific I will examine the relevant papers and endeavour to comply with this request.

42. IRON ORE

Deepdale Deposits

Mr MAY, to the Minister for Mines:

(1) How many temporary reserves are associated with BHP-Dampier Deepdale iron ore deposits?

(2) What are the individual temporary reserve numbers and areas?

(3) What are the individual dates when each temporary reserve or mining tenement was granted?

(4) What is the current expiry date for each individual temporary reserve or mining tenement?

(5) What is the Mines Department's current assessment of—

(a) total economic tonnage;

(b) total limonite tonnage;

(c) total hematite tonnage;

(d) other iron ore tonnage?

(6) Was the Deepdale project discussed at the meeting of potential partners in a proposed jumbo steel mill in Western Australia held in Perth on Wednesday, 10th September, 1975?

(7) Has BHP-Dampier been given an assurance by the Government that further iron ore temporary reserves will be allocated to them?

Mr MENSAROS replied:

(1) There are 13 temporary reserves with occupancy rights for iron ore included in the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act, 1964.

(2) to (4) Schedule tabled accordingly.

(5) The Mines Department considers there is at least 1 500 million tonnes of pistolitic (Limonitic) ore indicated with an average iron ore content of 56%.

(6) No.

(7) No.

The schedule was tabled (see paper No. 382).

43. FRUIT

Tree-pull Scheme

Mr BLAIKIE, to the Minister for Agriculture:

(1) How many applications have been received from fruitgrowers for payments under the tree-pull scheme in each year since its commencement?

(2) In each year how many applications—

(a) have been approved;

(b) have been rejected;

(c) are still pending?

(3) What is the total amount paid out or approved for payment so far in this State as compared with each other State?

(4) What are the reasons for rejecting applications?

(5) Does he support the view that it is in the best interests of the industry to remove all unwanted trees, and therefore does he support all action to reduce tree numbers?

(6) Could unwanted trees, for which a tree-pull application has been refused, constitute a potential disease problem if left in a neglected condition?

Mr OLD replied:

(1) and (2)—

At 30 June—	Applications Received	Approved	Rejected	Pending
1973	17	9	3	5
1974	15	12	4	4
1975	27	13	11	7
July 1, 1975 to date	2	....	....	....

(3) To 30th June, 1975

	$
W.A.	75 512
N.S.W.	561 609
Victoria	616 959
Queensland	162 221
S.A.	158 305
Tasmania	1 524 436

(4) Not commercial orchards (8); not in need (4); and too much debt for profitable long term farming (6).

(5) and (6) Yes. Trees which are unproductive because of type, old age, disease or neglect should be removed because they reduce a farmer's net profit (or increase net loss), contribute to oversupply and could be a disease hazard. The W.A. delegates to Australian Government conferences on the tree pull scheme have been consistent in putting this point of view.

44. KING PARROT AND WESTERN ROSELLA

Declaration as Vermin

Mr BLAIKIE, to the Minister for Agriculture:

(1) Are the Western Australian King Parrot and the Western Rosella still declared vermin in certain shires of this State?

(2) How many specific and authenticated reports of damage caused by—

(a) the W.A. King Parrot;

(b) the Western Rosella,

have been received by the Agriculture Protection Board from commercial orchardists in the fruit seasons covering the years 1973-74, 1974-75?

(3) (a) What estimates are there of the value of damage done by these birds in these two seasons;

(b) where specifically did damage occur;

(c) who were the complainants, if any?

(4) In the six months to 30th June, 1975 were there any reports of either of these two species being seen in numbers large enough to constitute a serious threat to fruit crops; if so, where?

(5) If either of these two species is still classified as vermin will this be reviewed and, if not, what evidence does he have to support the retention of the vermin classification?

Mr OLD replied:

(1) Yes.

(2) Only six reports have been recorded on Agriculture Protection Board files for these years. Most complaints are likely to be made to district officers during their routine inspections and records would not necessarily be kept.

(3) During the course of a research study, the following cases of damage were investigated and costed—

1973-74 ($15, $54 and $99). Properties located at Balingup and Mundaring.

1974-75 ($3, $37, $19 and $27). Properties located at Balingup and Manjimup.

Up to 12% loss has been recorded for a single fruit variety, but in no case has the loss for a single variety on one orchard exceeded $40.

(4) Records of the sightings of flocks of parrots are not normally kept by officers of the board.

(5) The classification of the W.A. King, Western Rosella, Twenty Eight, and Smoker Parrots as vermin has been under review since a comprehensive research programme was commenced in 1970 to assess the status of these birds. The declaration on the Smoker has already been lifted. It is anticipated that the research on the other three species will enable their status to be reassessed in 1976.

45. KARRI FORESTS

Clearing

Mr BLAIKIE, to the Minister for Forests:

(1) Over the last 10 years what is the total area of karri forest that has been felled in accordance with a planned uniform (seed tree) or any other clear-fell type of operation?

(2) Of this total area of clear felled karri forest how many hectares were—

(a) regenerated successfully to produce a stand of karri dominant regrowth;

(b) regenerated successfully but with the regrowth subsequently destroyed or damaged by fire;

(c) not regenerated to a satisfactory karri dominant regrowth?

(3) How long does it take for karri regenerated after clear felling operations to reach a maturity satisfactory to enable the production of milled timber having a size range equivalent to that which is presently available from virgin forests?

(4) On a sustained yield basis what is the maximum area of karri that can be clear felled in an average year so as to match the time span of regeneration to maturity as outlined in (3) and what percentage of the karri forest area would this represent?

Mr RIDGE replied:

		Hectares
(1)	1965	25
	1966	178
	1967	62
	1968	805
	1969	965
	1970	76
	1971	118
	1972	1 464
	1973	145
	1974	297
	Total	4 135

(2) (a) 4 135 hectares.

(b) Nil, but 197 hectares were damaged by fire and subsequently replanted.

(c) Nil.

(3) In 100 years karri forests are capable of supplying the majority of the sizes of milled timber presently available.

(4) This will vary with changes in site quality.

46. DRUNKEN DRIVING

Blood Tests

Mr BLAIKIE, to the Minister for Police:

(1) Because of a procedural error or any other reason, how many blood samples taken in 1974 under the Blood Sampling and Analysis Regulations, 1974, failed to produce results that could be admissible as evidence in any court proceedings if so required?

(2) So that procedural failures do not recur, what inquiries are made to find the causes?

(3) Does he consider that when a serious road accident occurs, blood samples should be divided into three portions, with one portion being held in security in case of a procedural failure with other portions?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) to (3) The information requested will be forwarded to the Member as soon as the statistics asked for in (1) are collated.

47. BIRDS

Licenses

Mr BLAIKIE, to the Minister for Fisheries and Wildlife:

(1) How many licenses are currently valid for—

(a) bird trapping;

(b) bird dealing;

(c) aviculturists?

(2) What records are required to be kept by the license holders?

(3) What bird species are permitted to be trapped in this State, and what records are available of the numbers of each species trapped in each of the past five years?

(4) Of native bird species permitted to be trapped, what species are considered not to be a danger or nuisance to agriculture?

(5) What conditions are laid down for the keeping of trapped native birds in cages by—

(a) bird trappers;

(b) bird dealers;

(c) aviculturists?

(6) What surveys have been made on the survival rates of trapped native birds?

(7) What records are kept of interstate or overseas sales of trapped native birds?

(8) Does his department favour a policy of encouraging the phasing out of bird trapping for commercial exploitation?

Mr P. V. JONES replied:

(1) (a) Bird trapping—22.

(b) Bird dealing—47.

(c) Aviculturists—3 108.

(2) (a) Bird trappers—Licensed bird trappers must lodge returns indicating the species trapped, the number of birds, the district in which the birds were trapped and the method used.

Licensed trappers of finches shall provide the returns within one month after the close of the open season declared for trapping of finches.

In the case of trappers of unprotected birds then within one month after the expiration of the trapper's license.

(b) Bird dealers—Licensed bird dealers must lodge returns indicating the bird species, the numbers bought and sold,

and the name and address and license number of the purchaser or seller in the transactions.

The transactions shall be recorded on the return as they occur and the return shall be lodged monthly.

(c) Aviculturist — Aviculturists shall provide a list of the number of each species held under the license.

This information shall be lodged at the time of an application for renewal.

They may be required to obtain prior approval before obtaining or disposing of protected species.

(3) (a) Any person may trap for his own aviaries any of the species declared to be not protected provided that—

(i) the birds are fully fledged and able to fend for themselves;

(ii) if the trapping is to take place on private land, the permission of the owner or occupier must be first obtained;

(iii) trapping is prohibited on wildlife sanctuaries, national parks and other reserved land unless the permission of the controlling authority is first obtained.

(b) Trapping of unprotected species for sale or gain or reward is permitted under a restricted number of licenses.

Additional licenses are not being issued unless it can be shown to be desirable considering the state of the population, the effects on agriculture and the state of the bird trade.

(c) Special licenses are occasionally issued to allow protected species to be taken in very restricted numbers for research, avicultural and other purposes.

(d) The unprotected species are set out in the following notice.

(e) The numbers recorded as trapped during the past five years are as set out below although it is regretted that due to clerical oversight, some records are not available.

List of birds trapped in the years ended 30th June, 1970, 1971, 1972, 1973 and 1974 are detailed hereunder—

	1970	1971	1972	1973	1974
Double bar	441	114	338	896	887
Star	1 300	1 901	4 361	4 704	2 906
Blood	91	64	822	691	490
Blackheart	3 056	1 468	6 729	11 010	4 646
Gouldian	1 671	1 305	3 706	12 995	5 372
Masked	682	295	1 901	4 205	1 903
Pectorella	772	300	2 590	2 635	1 204
Chestnut	160	....	66	16	304
Yellow-rumped	9	.	41	....	23
Zebra	3	146	....	....	12
Emblema Picta	29	4	33	2 635	....
White-tailed Black Cockatoos			5	....	4
Galahs			....	50	406
Little Corellas	Not		....	....	41
Smokers (Regents)	Available		440	182	155
Twenty-eights			2 294	2 167	2 126
Western Rosellas			795	1 063	560
Red-capped Parrot (Western King)			388	459	151
Northern Rosella			2	....	....

(4) (a) Except for Galahs and Port Lincoln Parrots (or Twenty-eights) none of the other protected species are considered by the Department of Fisheries and Wildlife as a major nuisance or danger to agriculture.

(b) The department is concerned about the long term survival of Western Roselias and of Red-capped or King Parrots and is awaiting the outcome of research undertaken by the Agriculture Protection Board.

(c) Little Corellas are known to be a nuisance species in some areas.

(5) (a) Bird trappers have to meet the requirements of regulation 11, and any conditions attached specifically to their personal licenses.

(b) Bird dealers have to meet the requirements of regulation 12 13 and any conditions attached specifically to their personal licenses.

(c) Aviculturists have to meet the requirements of regulation 12 and any conditions attached specifically to their personal licenses, and all of the foregoing need to comply with the requirements of regulations 28, 29, 30, 31, 32 and 34 in particular and of the Fauna Conservation Act and regulations in general.

(6) (a) No detailed surveys have been undertaken by departmental officers but occasional surveillance is maintained over the activities of trappers, dealers, exporters and aviculturists to ensure proper care and attention is provided for wildlife in captivity.

(b) It is understood that surveys have been undertaken overseas of the survival rate of birds trapped in other countries but they would not be relevant to this State.

(7) The Fauna Conservation Act requires that no native birds may be sent out of the State except under the authority of a license. The licenses record the numbers of each species and the license fees charged as well as the names and addresses of the exporters and consignees. Records of licenses issued are maintained until audit has been completed and for 2 to 5 years afterwards. No segregation is possible between birds trapped that year and birds bred in captivity in relation to interstate sales. No overseas sales are permitted by the Commonwealth Government.

(8) (a) In respect of species which are abundant and are declared to be vermin—No.

(b) In respect of other species a firm policy has not been defined. There are many pros and cons.

48. MUNDARING WEIR CATCHMENT AREA
Prohibition on Entry

Mr MOILER, to the Minister for Forests:

(1) If the public were permitted, under controlled access, to the area surrounding the Mundaring Weir basin, would the spread of *phytophthora cinnamomi* become a greater problem in the area than at present?

(2) Has there been any evidence of increased bush fires damage to forests or harm to wildlife in the areas which his department has opened to the public over recent years?

(3) Has the incidence of vandalism, littering and other anti-social behaviour increased in the areas where public access has been permitted and catered for by his department?

Mr RIDGE replied:

(1) The problem would be related to the degree of control but basically the answer is yes.

(2) No.

(3) Only in proportion to the increased numbers of people involved. Trail bikes and off road vehicles are a special problem which has to be resolved.

49. NATIONAL PARKS
Soil Erosion

Mr MOILER, to the Minister for Conservation and the Environment:

(1) What is the annual estimate of people who visit the following scenic attractions—

(a) John Forrest National Park;

(b) King's Park;

(c) Yanchep National Park?

(2) To what degree has soil erosion occurred at any of the above due to the number of people who visit the areas?

Mr P. V. JONES replied:

(1) (a) 88 200 people.

(b) I am advised by the Minister for Lands that the estimated number of visitors to Kings Park is more than five million per annum, including 12% through traffic and others who do not leave their vehicles.

(c) 325 337 people.

(2) Owing to visitor control and type of terrain in John Forrest National Park and Yanchep National Park, damage has been restricted to a minimum. I am advised by the Minister for Lands that soil erosion due to pedestrians leaving surfaced paths in Kings Park is not severe, at least it is not severe compared with the damage to the bushland and soil as a result of intense summer bushfires lit by incendiaries or by vehicles, including trail bikes, being driven off the roads.

50. VENEREAL DISEASE
Health Education Officers

Mr DAVIES, to the Minister representing the Minister for Health:

With reference to question 20 of 13th August, 1975, regarding health education officers, can he advise if the appointment of a journalist has been finalised?

Mr RIDGE replied:

Yes.

51. ELECTORAL
Metropolitan Seats: Average Enrolment

Mr BARNETT, to the Premier:

(1) Was he correctly reported in *The Sound Advertiser* of 3rd September as saying: "The average enrolment for the 27 metropolitan districts would be about 15 700 compared with 17 350 for the present 23 districts"?

(2) If he confirms that this is correct, will he explain to the House how he derived the figure of 15 700?

Sir CHARLES COURT replied:

(1) Yes.

(2) The figure of 15 700 is an approximation, as the word "about" implies.

June 1975 enrolment details and 1974 State election booth poll figures were used in estimating the number of electors who would be reasonably expected to be brought into metropolitan districts under the amending Bill.

I should imagine the Member made the same calculations.

52. HOUSING

Kwinana, Coolbellup and Hamilton Hill

Mr TAYLOR, to the Minister for Housing:

How many—

(a) houses and duplex;

(b) apartments,

are at present empty in—

(i) Kwinana;

(ii) Coolbellup and Hamilton Hill?

Mr P. V. JONES replied:

(a) and (b) The following rental properties are vacant—

District	Houses and Duplex.	Apartments.
Kwinana	21	38
Coolbellup	3	18
Hamilton Hill ..	1	1
Total	25	57

All houses and duplex units, all apartments in Coolbellup and Hamilton Hill, and the majority of apartments in Kwinana, are currently under offer to applicants.

53. UREA

Price

Mr CRANE, to the Minister for Agriculture:

(1) What is the current price being paid in Australia for imported urea?

(2) What was the price in—

(a) June 1975;

(b) April, 1975?

(3) What is the likely additional tonnage to be purchased in Australia before the end of December 1975?

Mr OLD replied:

(1) to (3) My department has no information on whether urea is currently being imported into Australia or whether any is likely to be imported before the end of December, 1975. Particulars of landed costs to other States are not known. However, the "into works" cost of the last overseas shipments of urea received into Western Australia, in April-May, 1975, was $335 per tonne.

54. LAND RESERVES

Fisheries Act

Mr A. R. TONKIN, to the Minister for Lands:

(1) Can reserves declared pursuant to section 29 of the Land Act include land already reserved under the provisions of section 30 of the Fisheries Act?

(2) Is land reserved under the provisions of section 30 of the Fisheries Act considered to be Crown land or as reserved land as far as the operation of the Land Act is concerned?

(3) Can land already reserved under the provisions of section 30 of the Fisheries Act be leased under the provisions of the Land Act, e.g., sections 116 and 118 in particular, such as for marinas and dredging extractive materials?

Mr RIDGE replied:

(1) Probably yes, but the question has not arisen.

(2) The definition of Crown land in the Land Act excludes land "reserved for or dedicated to any public purpose".

(3) Probably not, but the question has neither arisen nor been determined.

55. LAND RESERVES

Classification Details

Mr A. R. TONKIN, to the Minister for Lands:

What is the class, purpose, area and vesting of the following reserves—

28087, 2707, 25360, 11710, 20215, 29883, 25865, 27157, 30885, 366, 29457, 20701?

Mr RIDGE replied:

Reserve No.	Class	Purpose	Area	Vesting
28087	"C"	Conservation of Fauna	891·452 2 ha	W.A. Wild Life Auth.
2707 ..	"C"	Public utility and conservation of flora and fauna	98·338 6 ha	
25360	"C"	Recreation	28·806 0 ha	
11710	"A"	National Park (Yalgorup)	abt. 8 919·494 5 ha	National Parks Board
20215 ..	"A"	National Park	abt. 78·509 0 ha ..	Murray Shire
29883	"C"	Waychinicup river catchment area	6 604·469 7 ha	
25865	"C"	Recreation—public enjoyment	3 631·244 1 ha	
27157	"C"	Conservation of flora and fauna	367·454 6 ha	W.A. Wild Life Auth.
30885 ..	"A"	Preservation of sedimentary deposits		
366	"C"	Water	143·827 4 ha	
29457 .	"C"	Protection of meteorite crater	1 459·701 1 ha	National Parks Board
20701 ..	"A"	Public gardens	311 m²	National Parks Board.

56. LAND RESERVES

Snack Bar and Barrack Street Kiosk

Mr A. R. TONKIN, to the Minister for Lands:

What is the reserve number, class, purpose, area and vesting of "Bernies" snack bar on Mounts Bay Road near the Narrows Interchange; and the kiosk near the Barrack Street jetties?

Mr RIDGE replied:

(a) "Bernies" snack bar is located on a portion of Class "A" reserve No. 1720 reserved for Kings Park, which was placed under the control and management of the National Parks Board by a notice appearing in the *Government Gazette* of 22nd March, 1957.

The Lands Department has no record of the area concerned.

(b) The kiosk mentioned is located on a jetty under the control of the Harbour and Light Department and is understood to be the subject of a license issued by that department.

57. LAND RESERVES

Lakes

Mr A. R. TONKIN, to the Minister for Lands:

What is the reserve number, class, purpose, area and vesting of Lakes Joondalup, Gnangara, Bibra, Monger and Forrestdale?

Mr RIDGE replied:

(1) Most of Lake Joondalup is included in the following reserves—

(i) Class "A" reserve 31048, recreation and conservation of flora and fauna, about 465.4 hectares, under joint control (Parks and Reserves Act) of the West Australian Wild Life Authority and the Wanneroo Shire Council.

(ii) Class "C" reserve 33206, public recreation, 22.371 5 hectares, vested in the Shire of Wanneroo (eastern foreshore).

(iii) Class "A" reserve 21708, protection of flora and fauna, about 4.047 hectares, not vested (Malap Island).

Reserves 31048 and 21708 include some foreshore, and portion of Lake Joondalup is freehold.

(2) Most of Gnangara Lake is included in Class "C" reserve 27279 recreation, about 108.46 hectares, vested in the Shire of Wanneroo.

This reserve includes some foreshore, while portion of Gnangara Lake is freehold.

(3) Most of Bibra Lake is included in Class "A" reserve 6208, recreation, about 101.17 hectares, under the control of the Cockburn Town Council. This reserve includes some foreshore and adjoining land, while portion of Bibra Lake is freehold.

(4) The whole of Lake Monger is included in Class "A" reserve 8731, public park and recreation, 97.556 7 hectares, subject of a Crown grant in trust to the City of Perth.

This reserve includes foreshore and adjoining land.

(5) Most of Forrestdale Lake is included in Class "A" reserve 24781, protection of flora and fauna and recreation, about 243.62 hectares, vested in the Fauna Protection Advisory Committee.

This reserve includes foreshore, while portion of Forrestdale Lake is freehold.

58. LAND RESERVES

Map: Tabling

Mr A. R. TONKIN, to the Minister for Lands:

Will he please table a map of the State showing—

(a) conservation reserves;

(b) the general boundary of the south-west region defined at clause 24 of the new Mining Bill;

(c) the general boundaries of the systems shown at page 0-2 of the CTRC report with the boundary separating systems 3, 4 and 5 from systems 9, 10, 11 and 12 as a thicker line?

Mr RIDGE replied:

No, for reasons as follows—

(a) This is not practicable as—

(i) there are about 1 000 reserves, which might be termed "conservation reserves";

(ii) the areas range from 3 hectares to 2.5 million hectares;

(iii) most are incapable of cartographic representation on a map of Western Australia;

(iv) the extraordinary amount of work seems unwarranted.

(b) This boundary could be defined upon a map by the Lands Department but more appropriately it should be produced by the Mines Department.

(c) These boundaries are not known to the Lands Department and it is understood that several hundred detailed maps showing boundaries of systems and individual reserves are in the process of preparation by the Department of Conservation and Environment.

Additionally, the information is set forth in accessible documents available to the Member and is accordingly not a proper question (Erskine May *Parliamentary Practice* p. 327).

59. LAND RESERVES

Ludlow Tuart Forest

Mr A. R. TONKIN, to the Minister for Lands:

(1) Further to question on notice 7, asked on 29th August, 1974, have reserves 390, 2045, 2119, 9528, 9530 and 9970 been cancelled or had their purposes amended?

(2) If so, what are the details and their current status?

Mr RIDGE replied:

(1) Reserves Nos. 390, 2045, 2119, 9528 and 9970, declared under the Land Act, have not been cancelled nor have their purposes been changed. It is now understood that reserves 390, 2045, 2119 and 9970 form part of State Forest No. 2 and reserve 9528 State Forest No. 1, as is reserve 9530 which has been cancelled.

(2) Answered by (1).

60. LAND RESERVES

Aquatic: Delineation

Mr A. R. TONKIN, to the Minister for Lands:

Further to questions on notice 20 and 21 asked on 22nd April, 1975, is it intended that aquatic reserves be delineated on public plans and, for public convenience, these be the same public plans normally available to the public at the Lands Department?

Mr RIDGE replied:

A decision in regard to this matter has not yet been made. The extent to which the State has title below low water mark has not been determined and is relevant.

61. HOUSING

New Community: Infrastructure Cost

Mr A. R. TONKIN, to the Minister for Housing:

(1) Has the State Housing Commission ever calculated the estimated cost of the community infrastructure necessary for the proper establishment of a new community within suburban Perth?

(2) If so, could details please be provided stating the size of the community involved, the date for which the costs are applicable, and the type of facility included (e.g., schools, infant health clinics, suburban streets, suburban water and power distribution)?

(3) What are the costs if extended to apply to larger communities (excluding major items like hospitals and main roads)—

(a) of 50 000 persons;

(b) of 75 000 persons;

(c) of 100 000 persons?

Mr P. V. JONES replied:

(1) No.

(2) and (3) Answered by (1).

62. TOWN PLANNING

New Community: Infrastructure Cost

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Has either the Town Planning Department or the Metropolitan Region Planning Authority ever calculated the estimated cost of essential community infrastructure necessary for the establishment of a new community within suburban Perth?

(2) If so, could details please be provided, stating the size of the community involved, the date for which the costs are applicable, and the type of facility included (e.g., suburban streets, local water and power distribution, schools, etc.)?

(3) What are the costs if extended to apply to larger communities (excluding major regional items like hospitals and main roads)—

(a) of 50 000 persons;

(b) of 75 000 persons;

(c) of 100 000 persons?

Mr RUSHTON replied:

(1) No.

(2) and (3) Answered by (1).

63. MINERAL SANDS
Processing of Applications

Mr A. R. TONKIN, to the Minister for Mines:

(1) Further to tabled paper 278 and question on notice 56 asked on 12th August, what is the present situation in regard to the following for the mining tenements shown—
(a) date of application;
(b) area;
(c) date of Warden's Court hearing;
(d) date of approval;
(e) mining warden's recommendations;
(f) conditions of approval?

(2) If any of these tenements have not been dealt with by a mining Warden's Court, what opportunity is being given for public comment?

Mr MENSAROS replied:

(1) (a) to (f) As per schedule, which I seek permission to table.

(2) All applications have been dealt with by the Warden's Court.

The schedule was tabled (see paper No. 383).

QUESTIONS (11): WITHOUT NOTICE

1. BUILDING SOCIETIES
Interest Rates

Mr T. J. BURKE, to the Premier:

I apologise for the short notice I gave of the following question—
In an endeavour to bring building society interest rates down by at least a further 1 per cent—
(a) will he confer with the Australian Treasurer with a view to jointly underwriting the liquidity of permanent building societies?
(b) If not, why not?

Sir CHARLES COURT replied:

I received very brief notice from the honourable member about this question. Firstly I think I should query with him how he forms the opinion that there is a liquidity problem within permanent building societies, because that is the inference one would draw from his question.

Mr T. J. Burke: That is not suggested.

Sir CHARLES COURT: That is the basis of the question.

Mr T. J. Burke: It is not suggested.

Sir CHARLES COURT: I can only say to the honourable member that that is what his question is all about.

Mr Jamieson: He is asking a question, not making a statement.

Mr Bertram: He said it is not.

Sir CHARLES COURT: Is the answer wanted or not? I am telling the honourable member that his question concerns liquidity, and we know of no problem in respect of liquidity with the societies. That is why he wants me to see the Commonwealth Treasurer, because there is no such animal as "the Australian Treasurer". The answer to the question is as follows—
(a) and (b) The Minister for Housing is presently examining ways of assisting the permanent building societies to offer home loans at reduced interest rates.

2. JOHN FORREST HIGH SCHOOL
Collapse of Gymnasium

Mr A. R. TONKIN, to the Minister for Works:

(1) What form will the inquiry into the collapse of the gymnasium at John Forrest High School take?

(2) When is the report expected?

(3) Will the report be tabled when it is finalised?

Mr O'NEIL replied:

I thank the honourable member for notice of this question, the answer to which is as follows—
(1) No decision has been made to hold an inquiry.
(2) Following investigation, a report by Dr K. T. Kavanagh of the Department of Civil Engineering, University of Western Australia, has been received by the Public Works Department.
(3) It is not intended to table this report.

3. POLICE
Rape Cases

Mr DAVIES, to the Minister representing the Minister for Police:

Referring to question 41 on today's notice paper, would he refer to page 2225 of this year's *Hansard* for the information he seeks?

Mr O'NEIL replied:

Yes.

4. ELECTORAL
Metropolitan Seats: Average Enrolment

Mr BRYCE, to the Premier:

I refer to his answer to question 51 on today's notice paper concerning an article in *The Sound*

Advertiser of the 3rd September wherein it was reported that the Premier had stated that there would be about 15 700 electors in the metropolitan electorates under the new boundaries. Would the Premier explain how he reconciles the fact that he provided that estimate for the public through *The Sound Advertiser* one day before he answered one of three questions in this House saying that the Government had no estimate whatever of the new quota on electors to be provided in the metropolitan area?

Sir CHARLES COURT replied:

Now the member for Ascot raises the point, I will have it researched and reply to him by letter if he desires before the House resumes, or when the House resumes, whichever he prefers.

5. LAND

Rockingham Lakes: Designation

Mr A. R. TONKIN, to the Minister for Lands:

Adverting to question 33 on today's notice paper, I am amazed his department is not able to recognise the term "Rockingham Lakes". The names of the lakes are the Cooloongup Lake and the Walyungup Lake. Can he answer the question?

Mr RIDGE replied:

No, I am not able to do so. The honourable member's question was not particularly clear. The first part referred to the status of the Rockingham Lakes, in the plural, while the second part of the question stated, "if it is designated", in the singular. If several lakes are involved, his second portion of the question does not make it clear because it refers to only one lake. If he is specific, I will ascertain the information, and if the matter is urgent I can notify him by telephone, or by correspondence, whichever he desires.

6. MINISTER FOR TRANSPORT

Overseas Tour

Mr JAMIESON, to the Premier:

(1) Have any departmental officers proceeded overseas with the Minister for Transport, or are any to meet him in transit?

(2) If so, what are the details of these officers and their mission?

(3) Are any other advisers or public relations personnel to be engaged during the course of his overseas visit?

Sir CHARLES COURT replied:

I thank the Deputy Leader of the Opposition for some notice of the question, the answer to which is as follows—

(1) Yes.

(2) The Commissioner of Main Roads will meet the Minister for Transport in London en route to a World Congress of the Permanent International Association of Road Congresses to be held in Mexico City from the 12th to the 18th October. Mr Aitken is one of the five-man Australian delegation.

The Minister and the commissioner will inspect various highway and transportation facilities and have appropriate discussions concerning the latest developments in this field in England, North America, Mexico, and Japan.

(3) No.

I have a footnote for the information of the honourable member, which reads—

The above questions relate only to transport matters.

The Minister's itinerary also provides for discussions and investigations related to other aspects of his portfolios.

7. VAM AND WEST AUSTRALIAN GOLD DEVELOPMENT N.L.

Company Investigation

Mr T. D. EVANS, to the Minister representing the Minister for Justice:

(1) With reference to part (3) of question 11, of Wednesday, the 27th August, is the Minister now able to answer the question?

(2) If not, will he please advise me by letter?

Mr O'NEIL replied:

I thank the honourable member for some notice of the question, the answer to which is as follows—

(1) and (2) A copy of the transcript has now been received by the Commissioner for Corporate Affairs and after it has been considered, advice will be forwarded to the honourable member.

8. PROSECUTION OF BAYMIS UGLE

Police File

Mr B. T. BURKE, to the Acting Minister for Police:

Bearing in mind that the Minister has in his possession a telegram which I gave to him from Baymis Ugle agreeing to the release of files relating to charges against Ugle, is the Minister prepared to table the Police Department file on Ugle?

Mr O'NEIL replied:

As I heard the question, it is not in the form that was advised to me through three different sources this morning. I think the member for Balga added the words, "which I gave to him". The question proposed to be asked—and I thank the member for having advised me of the question through three different sources—was—

> Bearing in mind that the Minister has in his possession a telegram from Baymis Ugle, agreeing to the release of files relating to charges against Ugle, is the Minister prepared to table the Police Department file on Ugle?

I believe that to be the question that was proposed to be asked. I understand that one approach was, in fact, from the office of the Leader of the Opposition. That being the case I had an opportunity to make some inquiries and I have a prepared reply in the following form—

> On the file used by the honourable member during the introduction of his motion on Wednesday, the 10th September, there was a telegram addressed to the honourable member from Baymis Ugle in which he consents to the file of his activities and involvement in the charge of drunkenness laid in August, 1974, being produced in Parliament.
>
> However, in the time available to me I have been unable to find any record of a telegram addressed to the Minister for Police in which Ugle agrees to the tabling of Police Department file or files on him.

Mr B. T. Burke: Will the Minister release it if Ugle telegrams him to that effect?

Mr O'NEIL: That is another question. I want to make a couple of points for the information of the honourable member.

Firstly, the telegram—a photostat of which I have—refers specifically to the file on the activities and involvement in the charge of drunkenness laid in August, 1974, against Ugle being produced and used in Parliament. It is specific to a particular incident.

My recollection of what the honourable member had to say last night regarding the file from which he quoted—and I thank him for making it available to me—is that it already contains the information, and has been made available.

I want to point out further that it is not the practice to table police files, for a very good reason, even if one person concerned in the action agrees to such tabling. It is possible for the names of many other people to appear on that particular file. It has never been the practice to table such files in Parliament.

9. TOTALISATOR AGENCY BOARD

Dowerin Agency

Mr McPHARLIN, to the Acting Minister for Police:

Further to question 28 on the 4th September, and question 44 on the 10th September, regarding the closing of the Totalisator Agency Board agency at Dowerin, if suitable alternative premises are available would the Minister consider reopening the branch?

Mr O'NEIL replied:

Yes.

10. BUILDING SOCIETIES

Interest Rates

Mr T. J. BURKE, to the Minister for Housing:

The Minister has had no notice of my question but I am prompted to ask it as a result of the reply given to an earlier question by the Premier.

The Premier said the Minister for Housing is presently examining ways to assist permanent building societies to offer lower interest rates. I ask—

(1) When was the examination initiated?

(2) When is the Minister likely to be in a position to give a report on the inquiry which is being carried out?

(3) Has the Minister made any approach to the Australian Treasurer or the Australian Government for co-operation

in his efforts to achieve a further reduction in the interest rates which are charged by permanent building societies in Western Australia? I would be satisfied if the Minister could give me the date, within a week, of when inquiries were initiated.

Mr P. V. JONES replied:

(1) to (3) I am not certain when the inquiries were initiated because I continued to carry out the practice of close co-operation with the permanent building societies when I became Minister.

Regarding the specific indication given by the Premier in his answer to the question, I anticipate being able to announce next week the result of one initiative which has been taken. I have already announced, some time ago, that one initiative has been taken in conjunction with a particular permanent building society. Activities which will be undertaken will be made known within the next two or three months. The reply to the third part of the question is, "No." I have not made any approach, and I have no intention of doing so.

11. MENTAL HEALTH

Ross Memorial Hospital: Acquisition

Mr B. T. BURKE, to the Premier:

(1) Have the P.W.D. valuers been carrying out inquiries at the Ross Memorial Hospital in Forrestfield?

(2) If "Yes", for what purpose have the inquiries been made?

(3) Does the Government intend to acquire the hospital for the accommodation of the profoundly retarded?

Sir CHARLES COURT replied:

(1) Yes.

(2) The property was offered to the Government, and inquiries have been made with a view to purchase, subject to satisfactory negotiations which will include architectural inspection as well as satisfactory value.

(3) If negotiations are successful, the purpose of the acquisition would be for the accommodation of the profoundly retarded.

BILLS (3): RETURNED

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill.

2. Transport Commission Act Amendment Bill.

3. Motor Vehicle (Third Party Insurance) Act Amendment Bill (No. 2).

Bills returned from the Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [3.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Main Roads Act Amendment Bill which follows, as the provisions of that Bill require a minor consequential amendment to the Road Traffic Act.

It will be pointed out that the Main Roads Act Amendment Bill provides, amongst other things, for an upgrading of road classifications to include a new category of roads to be known as "highways". It will also dispense with the road category of "controlled-access roads", which as I will point out is, in fact, not a road classification but a traffic control function. That Bill will provide for the retention of existing control of access powers which can be applied to a section of a classified road.

Because of that, there is a need to amend other Acts which refer to main roads by expanding this term to include the new classification of "highways". There is also the need to delete any reference to the term "controlled-access roads" as this road classification will no longer exist.

One such Act, which incidentally refers to both main roads and controlled-access roads in one and the same section, is the Road Traffic Act, 1974. The section of the Road Traffic Act with which I am concerned is section 84 dealing with the liability for damage to roads, and as I have pointed out, amendments are necessary because of the changes which will be provided in the Main Roads Act Amendment Bill.

The effects of the amendments will be to include the term "highway" in the definition of "Government road" and to provide that liability to the Commissioner of Main Roads for damage to main roads will be extended to include the new classification of "highways" and to delete the previous classification of "controlled-access roads".

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [3.18 p.m.]: I move—

> That the Bill be now read a second time.

This is a Bill to amend the Workers' Compensation Act to clarify the meaning of "weekly earnings" which is the basis for the assessment of payment of weekly compensation during incapacity. Comprehensive amendments to the Workers' Compensation Act were sought in 1973, and an all-party Select Committee of Inquiry was appointed by the Legislative Council and its recommendations were accepted substantially by Parliament.

Prior to the 1973 amendment, weekly compensation was based on flat rates for the worker and dependants, but was amended so that the worker's pre-injury ordinary wage for the ordinary hours he worked would be paid, and clause 2 of the first schedule was altered accordingly to convey this recommendation of the Select Committee. This took effect on the 27th December, 1973.

Although clause 2 was briefly stated, those particularly concerned with the application of industrial awards and agreements, including the insurers themselves, generally accepted the clause to mean the ordinary wages paid for the number of hours which, under the award, constituted a week's work, plus over-award payment, but excluding overtime and allowances. This seemed to be the object of the Select Committee's recommendation which expressly included over-award payment but excluded overtime, bonuses, and allowances.

However, a reference to the Workers' Compensation Board in the case of a worker who was incapacitated in an accident in the north-west and who had a contract engagement on the basis that he would normally work 60 hours a week, was determined by the Workers' Compensation Board to mean that the employee was entitled to be compensated for the full 60 hours—$167.50 per week—whereas the rate recognised by insurers for compensation was for a 40-hour week under the appropriate award assessed at $91.40.

This case was then referred to the State Full Court which ruled against the board and found that "ordinary hours" referred to by the amendment Act meant hours without overtime. The case went further, to the High Court of Australia, which reversed the judgment of the State Full Court. The High Court ruled that compensation should equal a worker's ordinary weekly earnings before injury including payments for overtime normally worked.

The ramifications of this case could have proved disastrous financially to insurers if widely applied, but insurers have continued to assess for compensation on the lower quantum of hours being a week's work. A further challenge to the insurers' interpretation is contemplated and it is considered necessary to amend the Act to clarify the position which could cause insurers to fail to be able to underwrite workers' compensation if the compensable amount of weekly earnings is not immediately brought within the limits which premium funds will finance.

It must be emphasised to members that the amendments proposed are an interim measure in order to hold the position so that insurers can meet their financial commitments. In regard to the worker who is injured, his compensable rate will continue to be the rate which the 1973 amendment was believed to achieve; that is, 100 per cent of his ordinary wage plus over-award payment but not to include overtime and allowances.

Members will be aware of the publicity given recently to the appointment by this Government of an inquiry with wide terms of reference to inquire into, report on, and recommend in respect of the future operation of the Workers' Compensation Act. This inquiry has been sought by industry and insurers in the belief that a complete review should be conducted. Many problems have arisen and much concern has been expressed about the steepness of premium rates, financing, adequacy of compensation, and other associated matters. The Select Committee of 1973 in its report stated—

> . . . all witnesses agreed that the Act, through successive amendments since its inception in 1912, has become exceedingly complex.
>
> It would be no exaggeration to say there are very few people indeed who would have a total understanding of all the provisions of the Act.
>
> It is strongly recommended by your Committee therefore that a small expert Committee should be set up to clarify and adjust the Act. In short, to rewrite it . . .

Clause 2 of the Bill deletes and reinserts a new clause 2 of the first schedule. It attempts reasonably to provide across-the-board cover for workers in different types of industry, piece workers, workers with concurrent contracts, part-time workers and the like so that an appropriate award can be fairly applied to assess a weekly rate to compensate equitably a worker incapacitated by injury or industrial disease.

Clause 2 (a) is designed to cover the worker who is paid on a time basis and whose conditions are normally regulated by an industrial award or agreement, or application of such by common rule may be appropriate.

Clause 2 (b) will embrace the piece worker and should cover adequately such workers employed in the mining industry.

A piece worker is often distinguished from other workers only in that he is paid in accordance with the quantum of work done, whereas ordinary workers have their remuneration calculated on a time basis. Piece rates are designed to reward ability and output and it is the essence of the system to enable such a worker to earn more than a time worker. He is paid according to what he does and is an employee—as distinct from contract work done under conditions which exclude the relationship of employer and employee.

In both clauses 2(a) and 2(b) the basis of compensation is not on an actual earnings-related basis in all cases, particularly in the case of a worker who may be remunerated very highly under an agreement for engagement on piece rates, bonus, or commission, at rates which may even form part of the award. That agreement is disregarded and the assessment is made on the ordinary earnings for the hours which constitute a week's work, under the award, for a similar category of worker not on any special rates.

In the case of a part-time worker who is employed solely in one job on a part-time basis, compensation will be assessed at the *pro rata* rate which the number of hours actually worked has to the hours in a week's work. This *pro rata* payment is the assessment made at present by insurers for a part-time worker.

On the other hand a person who may be performing two or more jobs during a week will obtain the benefit of the compensable amount for a week's work under the award relevant to the work being done at the time of the injury.

Representations from the Confederation of W.A. Industry, W.A. Employers' Federation, Chamber of Manufactures, Chamber of Mines, Chamber of Commerce and Insurance Council of Australia sought a number of amendments, but in the light of the pending wide-scale inquiry, those bodies were informed that a sole amendment, purely as a holding measure, would be introduced and that all parties would then have the opportunity to place their views before the inquiry.

Representatives of the W.A. Trades and Labor Council who recently saw me on this matter have also been informed accordingly together with the members of the Minister for Labour Industrial Relations Advisory Committee. I commend the Bill to the House.

Debate adjourned, on motion by Mr Hartrey.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [3.24 p.m.]: I move—

> That the Bill be now read a second time.

Before proceeding with my prepared notes, I point out to the member for Avon that the notes on the Road Traffic Act Amendment Bill handed to the honourable member were not the same as the speech I delivered, and I suggest he obtains from *Hansard* a copy of my speech.

The Bill which members now have before them concerns a number of amendments to the Main Roads Act, 1930-1974, which are required in order to update the Act commensurate with the functioning of the State road authority in the present day and age. These amendments relate to the following four distinct matters—

(1) updating of the road classification system;

(2) temporary closure of highways and main roads to prevent damage;

(3) authority to borrow moneys; and

(4) updating of contract ceiling amounts.

In dealing with the road classification system, I should explain to members that the present basic classifications contained within the Main Roads Act were introduced in the 1920s and consist of main roads and developmental roads. With the passage of time, these classifications have proved to be inadequate to cope with the major changes in the economy and transport operations of this State.

This road classification contains a number of serious shortcomings. For example, sections of roads are classed as developmental when the Commissioner of Main Roads allocates funds for their improvement. The effect has been that there is now a patchwork of numerous unconnected short lengths of road classed as developmental roads and I am sure that all members will see the obvious advantages of replacing this patchwork of unconnected road sections with a designated system of roads serving developmental purposes.

Also, the term "important secondary roads" has been of necessity used administratively by the Main Roads Department to describe those roads which are not main roads but which are more important than developmental roads and hence require a higher level of financial assistance for their improvement. However the descriptive term "important secondary roads", while administratively necessary, has no legal significance whatsoever and there is no such classification provided for in the Main Roads Act. There is also the need to upgrade the status of our most busy main roads and those carrying out the most important functions to that of "highways".

Consequently it should be apparent to all members that the existing classification of roads within the Act has fallen behind the times and it is therefore proposed

that the Main Roads Act be amended to provide that the road system for which the State road authority will accept either whole or part financial responsibility be reclassified on a functional basis into "highways", "main roads" and "secondary roads". Such a system would produce a more rational classification which would also be in line with current usage and the classifications of the other States.

Under the proposed classification, the Main Roads Department would accept full financial responsibility for highways and main roads, as it now does for main roads and it would make substantial contributions towards the construction of secondary roads, as it now does with important secondary roads and developmental roads.

May I point out to members that local authorities will not be disadvantaged by the proposed new system of road classification. In fact after this Bill is passed it is planned subsequently to revise the classified mileage of roads so that overall some 2 400 kilometres of road will be added as either "highways" or "main roads" to the classified system thus relieving local authorities of the financial responsibility they have at present for these roads.

As members would realise, I am having difficulty in speaking. I am often criticised for not using my voice loudly enough, but I am having difficulty at the moment.

The SPEAKER: Order! I ask members to reduce the level of conversation.

Mr O'NEIL: With regard to the road sections at present known as developmental, these road sections will be replaced by a classified system to be known as "secondary roads" and the Main Roads Department will continue to make substantial contributions towards the upkeep of this system. Provision also is being made for the commissioner to construct or assist in the construction of roads other than classified roads which may be necessary to meet the needs of a particular area.

In the 1950s, provision was made in the Main Roads Act for a further road class which was known as "controlled-access roads". The amendments in the Bill now before us propose that this road class be deleted but that the control of access powers be retained so that they can be applied to sections of "highways", "main roads" or "secondary roads", or land acquired for the purpose of building these roads in future. I am sure members will appreciate that this is a more rational procedure as "control of access" is essentially a traffic control measure to be applied to a section of a highway, main road, or secondary road rather than a road classification in itself.

The Bill also proposes to provide the Commissioner of Main Roads with specific power for the temporary closure of highways and main roads under his control. While local authorities have the power by virtue of a model by-law under the Local Government Act for temporary closure of roads under their control, there is no such specific power for road closure in the Main Roads Act and this is an anomaly. In practice, the commissioner has to rely on a general power within the Act relating to the proper management of main roads or co-opt the services of a local authority in order to close a main road for a temporary period to prevent damage, and this is an unsatisfactory situation.

There are two main purposes to be achieved by this proposed amendment. There is often a need, for safety reasons, to close roads for short periods due to heavy rain and flooding and this applies particularly in the north of the State where closures may extend for several days and motorists can be in considerable danger if they are permitted to use the roads. There is also the need following on heavy rain and flooding to close a road for a temporary period to protect the road itself, on some occasions from heavy traffic and on other occasions from all traffic.

As I have previously mentioned, the powers contained within this proposed amendment are similar to those contained in the local authority model by-law for closure of roads for a period not exceeding 28 consecutive days, and the proposed penalties for infringements are similar to those provided under the Road Traffic Act for similar offences. I feel therefore that all members will support this proposal to overcome a shortcoming within the Main Roads Act in relation to protecting the main road system of the State.

A further clause in the Bill is to enable the Commissioner of Main Roads to borrow money for carrying out the purposes of the Act. Members will recall that this Chamber passed similar legislation last year which enabled the Art Gallery Board to borrow money.

To meet circumstances such as those to which I shall refer, it is considered desirable that the Main Roads Department should have power to borrow funds. Similar powers are possessed by the State road authority in New South Wales and some other authorities in this State.

At the present time the Commissioner of Main Roads is considering the construction of a divisional office in Port Hedland. This office is urgently required in order to accommodate engineers, surveyors, draftsmen, and other technical and clerical support staff directly concerned with the investigation, design, construction, and maintenance of works being undertaken pursuant to the provisions of the Main Roads Act.

I should point out to members that expenditure of this type is not acceptable as expenditure from Federal road funds. Certain other items including expenditure for the purpose of providing departmental housing are also not acceptable. Therefore, State funds must be used for such purposes and in some cases State funds are

not sufficient to meet pressing needs. In addition, loan funds may be necessary in the future to construct large road or bridge projects when sufficient Federal funds or State revenue are not available.

This clause of the Bill proposes in effect that the Commissioner of Main Roads should have borrowing powers similar to those possessed by the Art Gallery Board, and as with the Art Gallery Board the exercise of this power should be subject to Treasury approval. In fact the form of the borrowing authority contained in this clause is as suggested by the Treasury.

With respect to this borrowing power, may I point out to members that successive Governments have accepted that it is a perfectly normal function for various State instrumentalities to have the right to borrow. To meet the circumstances to which I referred earlier, it is proposed that this power be extended to the Commissioner of Main Roads for the purpose of improving the functioning of the Main Roads Department.

A further proposal contained in this Bill provides for a proposed amendment to the Main Roads Act which is required in order to lessen the burden on the Minister for Transport of the paper work involved in what are after all only relatively unimportant administrative approvals. I am now speaking of section 18 of the Main Roads Act which provides that the written approval of the Minister for Transport is required for the letting of contracts in excess of $2 000.

If I may briefly acquaint members with the history of this limit I am sure the whole matter will be viewed in its proper perspective. The $2 000 limit in the Act has applied to the Main Roads Department since 1930 and has remained unchanged at that amount ever since.

Of course, in 1930 $2 000 or £1 000 as it was then, constituted a very substantial sum. However, by today's standards $2 000 has not the same significance and the number of contracts which fall within this category has increased considerably, as also have the demands on the time of the Minister occupying the portfolio of Minister for Transport or, for that matter, any other portfolio.

As a matter of interest and as an indication of the order of magnitude of the change in money values, in 1930-31 gross expenditure by the Main Roads Department amounted to $1.1 million whereas, by 1974-75, this had increased to $82.9 million. As a result, many minor contracts have been brought above the $2 000 limit which previously would have been exempt. In order to offset the effects of the decline in money values, it is proposed in this clause to amend the Act to provide that the present limit be raised to $50 000 as this is regarded as a more realistic figure in the present day.

I am sure members will appreciate that each of the matters I have dealt with in this Bill is necessary for the updating of the Main Roads Act in keeping with the functioning of the State road authority in the present age.

To implement the clauses of this Bill minor consequential amendments are also necessary to the Road Traffic Act, in respect of which an amending Bill has been introduced, and to the Local Government Act, in respect of which I think an amending Bill is already on the notice paper to be moved by my colleague. I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'NEIL (East Melville—Minister for Works) [3.40 p.m.]: I move—

That the Bill be now read a second time.

There is a five-year limitation in the term of any contract entered into by the Commissioner of Railways in respect of collection and delivery of goods outside the limits of the railway and to set the rates and charges for such services.

It has recently been found that some projects, particularly those which require companies to invest in rolling stock, have a defined period which is greater than five years.

Members will appreciate that companies concerned require their investment in rolling stock protected over the total life of the project and this legislation is being introduced to provide this.

It will be noticed that the amendment does not extend the commissioner's existing power but gives the Minister at the time authority to approve contracts up to a term of 20 years.

Any contracts for a term beyond that would be subject to tabling in Parliament, and be subject to disallowance.

Debate adjourned, on motion by Mr McIver.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

MR RUSHTON (Dale—Minister for Local Government) [3.42 p.m.]: I move—

That the Bill be now read a second time.

In his second reading speech on the Main Roads Act Amendment Bill, the Minister explained to members that a minor consequential amendment to the Local Government Act also would be necessary.

The section of the Local Government Act which needs amending is section 359 which provides for the construction of

crossings from premises, other than residential premises, into main roads.

As a result of the new road category of "highways" introduced under the Main Roads Act Amendment Bill, and for which the Commissioner of Main Roads is responsible, it is necessary to extend the term "main roads" used in section 359 of the Local Government Act to include the new road classification of "highways".

I commend the Bill to the House.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

Sitting suspended from 3.43 to 4.03 p.m.

BEEF INDUSTRY COMMITTEE ACT AMENDMENT BILL (No. 2)

Second Reading

MR OLD (Katanning—Minister for Agriculture) [4.04 p.m.]: I move—

That the Bill be now read a second time.

There is little need to expand to members on the current difficulties being experienced by beef producers. Members will also recollect the introduction of the Beef Industry Committee Bill in 1974 which provided for the setting by a committee of minimum prices for certain specified classes and weight ranges of beef, with the aim of achieving reasonable price returns for producers for beef sold on the domestic market. The original legislation was introduced at the request of all segments of the industry.

There have been difficulties in the execution of this legislation and these are acknowledged, but broadly speaking it has been effective in maintaining prices for beef in Western Australia at above those which have existed in Eastern States' markets. The effectiveness of the scheme has, to some extent, been eroded and been made more difficult to operate than anticipated, because of the high percentage of beef which has been submitted for sale and which has fallen outside the classifications used by the committee and by some imports of cattle and carcase meat.

In 1974 the period of heavy supply had largely gone before the scheme became operative. However, this year the scheme will have to operate throughout the period of heavy supply and provision must be made for the committee to have power of supply management in order to regulate supplies of beef coming forward which are suitable for the home market and fall within the classes and weight ranges which are covered by the minimum price scheme.

There is also provision for extension of legislation to a date to be decided by the Government. This covers—

- recognition of the role of adjudicators appointed by the committee;
- the payment of sitting fees to committee members and the meeting of the costs incurred by other persons in carrying out their duties in relation to the committee;
- the setting of different prices in different parts of the State in order to allow for freight differentials—a practice which has been authorised by the committee will now be given legislative backing; and
- the appointment of a secretary to the committee.

I have previously publicised the proposed plan for supply management. It will involve the issuing of tags by the members of the Western Australian Livestock Salesmen's Association to farmers up to the number estimated to be required weekly to supply the domestic market—say 5 000 per week. Tagged cattle which are sent forward for auction will be sold in the first sale of the day and will be covered by the minimum price scheme. Export types, untagged cattle, and cattle not considered suitable for trade purposes will be sold at a subsequent sale. It is necessary to give an adjudicator power to authorise sale of stock of the classes and weight ranges prescribed by the committee, at less than the minimum price in this later sale.

Some 20 per cent of the tags issued each week will be reserved for use in private sale situations. The Western Australian Livestock Salesmen's Association has assured me that tags will be issued without fear or favour and will be equally available to people who are not clients of agents as they are to people who are clients.

We all know that this scheme is based on the will of all segments of the industry to co-operate. It will be the responsibility of producers, agents, abattoir management, and the trade to make the scheme successful. If this does not prove to be the case alternative arrangements will be implemented by the committee to ensure all scheme cattle purchased for the domestic market are bought at or above the minimum prices set.

Two provisions in the scheme aim at assisting the committee in determining the purchases of scheme cattle and the precise prices paid for scheme cattle.

In the first, provision is made for records to be kept by abattoirs, auctioneers, and purchasers of beef, and for these records to be available to a person authorised to see them.

Similarly there is provision for these people to make such returns to the committee as are prescribed. This information can be required under the draft legislation within a specified time and on the basis of statutory declaration.

To assist the House in its consideration of this legislation I would like to provide some figures. Based on the Australian

Bureau of Statistics figure of almost 714 000 beef cows and heifers over one year of age held on farms at the 31st March, 1974, it is calculated that based on a 75 per cent calving and 70 per cent marketing of calves, there would be a production of baby beef in 1975 of almost 375 000. It is estimated on the basis of the difference between production and export that the average weekly demand in the south-west is for between 5 500 and 6 000 carcases, although this may be a slight underestimate.

At a consumption of 6 000 carcases per week, consumption in the four months from the 1st October to the 31st January will be approximately 102 000. Potential production is therefore almost three times as great as estimated domestic demand. This does not take into account steer beef which has been held over from 1974 calving and has yet to be sold.

This is the first time that an attempt has been made to implement a scheme of this type in Australia through a period of oversupply. Problems will exist and it will be up to the committee to resolve these problems. It is to be hoped that they will be overcome by the goodwill and co-operation of the total industry.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

Message: Appropriations

Message from the Lieutenant-Governor received and read recommending appropriations for the purposes of the Bill.

INVENTIONS BILL

Second Reading

Debate resumed from the 26th August.

MR MAY (Clontarf) [4.11 p.m.]: This Bill intends to provide assistance to persons undertaking the development or exploitation of inventions, and to establish an inventions advisory committee. The Opposition welcomes this piece of legislation because it is worth while and has been required for some time.

I have had a certain amount of contact with the Inventors Association over a period and it has expressed its appreciation of the fact that this measure has finally come to Parliament. For some time there has been a fragmentation of effort on behalf of independent inventors and they have not known from whom to seek support or how to get their message across. Now they will have a central point in the committee to which they will be able to submit their ideas and from which they will be able to obtain assistance if the committee feels such assistance is warranted.

A great deal of publicity has been afforded independent inventors in recent years because of a very interesting television programme called "The Inventors".

The Opposition considers that several aspects of the legislation should be studied and we hope the Minister will do this and give us answers during his reply. We do not intend to oppose the measure, but we do consider that some areas require clarification.

The Australian Government provides a form of assistance through its Department of Manufacturing Industry. The assistance is not given under an Act as is our intention, but it is provided for all inventors who can convince the department that they warrant it. The department insists that the applicant must be permanently resident in Australia, but does not make any differentiation between the States. The Bill before us will provide assistance only if the invention is likely to lead to the establishment of an industry in the State, will be of significant benefit to any industry already established in the State, or will be of advantage to the State in any other way. I consider that this is a little short sighted because on occasions an invention can be of assistance to Australia generally and in those circumstances the assistance must also spread to this State as well. I hope the Minister will indicate the reason for this provision. As I have indicated, no such restriction applies in the case of the Commonwealth Department of Manufacturing Industry which helps everyone, irrespective of the State of residence.

The maximum assistance provided by the Department of Manufacturing Industry is $10 000. The Bill before us does not specify any amount so I assume each invention will be assessed on its merits.

Recently I was approached by a Western Australian who had invented an article he felt would be of great assistance. It was a pressure relief unit. The Minister is probably aware of the invention. He approached me because he had difficulty in ascertaining whom to approach for assistance. He had made numerous advances to the Department of Industrial Development, the Metropolitan Water Board and several private firms. Finally he obtained assistance, but the continual frustration he faced previously nearly made him abandon the invention. Ultimately he was put on the right track by the department and finally his invention has been accepted. Even the Metropolitan Water Board considers it is a worth-while unit and is prepared to use it under certain conditions.

I have now received a letter from the gentleman concerned thanking me for my efforts, but, in particular, expressing appreciation of the efforts of the department on his behalf.

Once the legislation before us is passed, inventors will have a central point to

contact and, if considered worthy, will obtain the assistance they require from the committee.

The Inventors Association is pleased with the representation it will have on the committee. It feels it has been very well treated. Four members on the committee will be members of the Western Australian branch of the body known as the Inventors Association of Australia, and they will be appointed after consultation between the Minister and the branch of the association. As I have said, the association is pleased with the provision. Its only concern is about the possibility of one of its members being penalised as a result of being a member of the committee. I have given notice of an amendment on this aspect because it appears that the members of the committee will serve for a considerable time and they do not want to be penalised as a result.

We have one other point we would like the Minister to study. Actually this applies not only to the legislation before us, but also to many other measures. We find that legislation continually uses the words, "in the state of mind of the Minister" and other similar expressions including, "as the Minister thinks fit". One Bill on the notice paper at the moment uses this type of phraseology more than 30 times. Such expressions should be deleted from our legislation.

We had a lengthy debate on this issue when we were dealing with the emergency fuel Bill and when those on this side of the House indicated they were not happy with it. Such expressions are creeping in all the time and I think the Parliamentary Draftsman should be alerted to the fact that this type of phraseology in legislation is not considered to be good. If we can use the expression "as the Minister thinks fit", we could just as easily use the expression, "as the Minister determines", which is far more appropriate and does not have a similar sinister connotation as "the state of mind of the Minister" or "as the Minister thinks fit". In certain instances the Minister must delegate his powers to an officer of his department and with the inclusion of the expressions to which I have referred, that officer is placed in the same position.

That is the sort of thing we could leave out of legislation, and I sincerely trust Ministers will examine the possibility of precluding that type of phraseology when legislation is drafted.

We do not see any difficulty associated with the Bill and I do not intend to delay its passage by speaking at length. We feel it is worth-while legislation and there has been a need for it for some time. It will now be a matter of notifying the public of what is available to independent inventors. Independent inventors are responsible for approximately 20 per cent of the patents in the world, and have been responsible for some outstanding inventions.

Recently I read an article concerning inventors which was published in America. The people in that country are very conscious of the value of independent inventors and they receive considerable assistance. The larger companies permit their employees to have access to all the necessary expertise and facilities in the hope that they will come up with inventions.

This type of legislation will assist those independent inventors who have the knowledge, but not the facilities, to put their thoughts into practice. We support the Bill, and will discuss a few other matters during the Committee stage.

MR MENSAROS (Floreat—Minister for Industrial Development) [4.22 p.m.]: I thank the honourable member for his support of this measure. He is quite right in saying that most of the novel inventions are by independent inventors. Perhaps it is equally correct to say that whilst this is so, nothing will actually change with the implementation of this Bill if it becomes an Act, because people who had thoughts about inventions usually came to the Department of Industrial Development seeking help.

There is always a large section of people who come to the department with projects which are not feasible and cannot be followed through. In those cases, of course—human nature being what it is—the departmental officers or the Minister is blamed for not providing help.

Considerable thought has been given to this matter and this Bill is the result. It has been decided that it would be more equitable, and in the interests of these independent inventors, if their brothers sat in judgement on their inventions. Hence, the committee will comprise largely members of the Inventors Association of Australia. If the proposed inventions advisory committee recommends that a proposal is not worth while, or that it is a duplication, or that it is not feasible, at least the departmental officers and/or the Minister will be assured that the decision concerning the invention has been reached as a result of consideration by fellow inventors.

The member for Clontarf asked why the Bill specified that an invention ought to be in some way in the interests of the State for the inventor to receive assistance. The simple answer is that the State Government is charged primarily with the responsibility for the affairs of the State. We all know that according to the Constitution of the Commonwealth of Australia, the Commonwealth has certain enumerated powers. We also know that over the period the Federation has developed, the Commonwealth Government has taken unto itself the authority to dabble, legislatively as well as administratively, in areas which are not its responsibility. One

of those areas comes under my portfolio of Industrial Development.

It appears to me to be equitable that if the Commonwealth Government takes it upon itself to be in charge of implementing certain measures which to my mind at least—and to the minds of other people also—are clearly State responsibilities, and the State develops legislation within the sphere of its own responsibility it should be responsible mainly for the interests of the citizens in that particular State.

Perhaps that is theoretical reasoning, but the practical reasoning, as we all know, involves a matter of funds. If we were to expand the proposed facility to people whose inventions are in the interests of other States of Australia, and other countries of the world, we would find we would not have the budgetary facilities to do so efficiently. Even with this measure I would not like to create the impression that boundless facilities will suddenly be made available to everyone.

This will be a humble beginning. Once the proposed inventions advisory committee considers a proposition to be worth while we can take the inventor by the hand and guide him to an institution where his invention can be further developed. The member for Clontarf has already mentioned one particular instance. Whether the organisation to which we direct an inventor is a private enterprise business, a research institution within a university, or any other institution remains to be seen.

I deliberately do not want to deal with some of the matters mentioned by the member for Clontarf because they can be better dealt with during the Committee stage.

The member for Clontarf mentioned a particular aspect regarding the terminology used in drafting legislation, and he referred to ministerial discretion. I recall that the Opposition has taken exception to the time-honoured method of drafting Bills, when these experiences refer to ministerial discretion. Apparently this expression, "as the Minister sees fit", is considered to be the best available by the Crown Law Department. It seems the intention is that the Minister should have some discretion because the term appears in all legislation irrespective of whether it has been introduced by one party or another. I would point out that because a certain expression in a Bill is objectionable to an Opposition, that does not make the expression wrong. The honourable member objected to the expression "as the Minister sees fit".

The SPEAKER: Is this not Committee discussion?

Mr MENSAROS: I am replying to a matter brought up by the member for Clontarf during the second reading debate. If the member for Clontarf objects to the expression simply because it appears in other legislation, my reply is that perhaps he should look towards the Press gallery, where above the Speaker's Chair he will see *Honi soit qui mal y pense*—evil to him who evil thinks. Perhaps in English that could be further developed to mean, "Beauty is in the eye of the beholder". It is not necessarily so that the expression should imply that something is wrong.

Perhaps at some future time the legal officers of the Crown Law Department will change the expression to, "at the discretion of the Minister", and that will take care of everything. However, I have a Crown Law Department reply to the question if it comes up during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Mensaros (Minister for Industrial Development) in charge of the Bill.

Clause 1: Short Title—

Mr MAY: There is on the notice paper an amendment in my name in connection with the actual wording of the short title in clause 1. The Bill itself provides for an Act to enable assistance to be provided but the short title is "Inventions Act, 1975". There is no doubt this legislation is designed to provide assistance to inventors but on reading the short title one would not have any idea what the legislation related to. The insertion of the word "Assistance" in the short title would give an indication what the legislation was about. The word "assistance" appears all the way through the Bill. The fund itself is to be known as the "Inventions Assistance Trust Fund". This is the reason for our amendment.

I think the Minister should give consideration to accepting the amendment so that there is no doubt in anybody's mind what the Bill is all about. I move an amendment—

> Page 1, line 7—Insert after the word "Inventions" the word "Assistance".

Mr MENSAROS: Despite the fact that I did not receive the amendment very long ago, I was in a position to discuss it with departmental officers and the Crown Law Department and to give some thought to it myself. At first it appealed to me because, if nothing else, it makes better reading.

However I was advised—and I considered the advice—that if we insert the word "Assistance" in the short title it might create the impression that the only reason for the implementation of the legislation was to give assistance to inventors. This is not so because, as I tried to explain during the second reading debate, perhaps

an overwhelming number of the total number of inventions which come up are not feasible.

I must admit that the reason I personally mooted this legislation, after some months' experience of these people coming to the Minister and the department, was to shed the possibility of blame being laid upon departmental officers, or even the Minister, in cases where an invention appeared to be not feasible. The work of the advisory committee would therefore not only be to give assistance to inventors but also in many cases to recommend that no assistance be given.

As I said during the second reading debate, the assistance could take any form, and to emphasise unduly the word "assistance" would perhaps create the impression in the minds of some people that the State would give them a huge amount of monetary assistance. Much as the State Government would like to do so, it is not in a position to think about huge sums of money, setting up someone in a manufacturing plant, or something like that. It can only give advice and perhaps a small fund to put people on the right track.

That is the reason I was advised to oppose the amendment, and after consideration I have accepted the advice. I therefore oppose the amendment.

Mr MAY: I do not altogether accept the reasons given by the Minister. I will not press the amendment because it is not of considerable moment, but the Department of Manufacturing Industry saw fit to call its scheme the Assistance to Inventors Scheme. Surely the same conditions would apply in both the Australian and Western Australian scene. If some inventors will not be assisted, the same thing would apply in the Eastern States. The Commonwealth Government is looking for grants of up to $10 000. If it is good enough for the Commonwealth to want to assist inventors and call its scheme the Assistance to Inventors Scheme, I think it is good enough for us to mention assistance in the short title of our legislation.

We do not think the Government should be worried about this. The amendment would mean only that the short title of the Bill would give an indication to anybody seeking assistance that this was a vehicle through which he could seek to obtain it. We hope the Minister will give second thoughts to it.

Mr HARTREY: I support the amendment, not because of something the Commonwealth did but because it is only common sense. The member for Clontarf is quite right in saying this is in effect an inventions assistance Bill. Why not say so? The title "Inventions Act" would imply something entirely different in the English language—that we were setting up an organisation to check inventions, perhaps even proposing to impose taxes on inventions, or that we were proposing to do something different from what we are actually proposing to do, which is to assist inventors and assist the promotion of inventions. The matter is best expressed as the "Inventions Assistance Act".

Being most unmechanically minded, I do not set myself up as an authority on inventions—although I was astounded when I was admitted to the Bar in 1938 to find my admission made me a patents attorney—but I am something of an authority on the English language, and I say if we are going to call an Act an "Inventions Act" when the primary object of the legislation is the assistance of inventors and inventions, in preference to saying what we mean, I do not know why we should do so. We should say what we mean, and I support the member for Clontarf in saying we should call it the "Inventions Assistance Act". If the Crown Law Department does not like it, who cares? It does not run this country and it never will.

Mr MENSAROS: Out of courtesy I will reply to the honourable member. It is precisely for the reasons he mentioned that I am inclined not to accept the amendment. We want to say what we are doing. The honourable member said that the short title of the Bill suggests we will check on inventions, and that is precisely what we will do. We cannot guarantee assistance; we cannot give assistance in every case; and it is for this reason I ask the Committee to vote against the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Minister may provide or arrange assistance in relation to inventions—

Mr MAY: The Opposition is a little concerned about this clause. During my second reading speech I pointed out that the particular phraseology—"as the Minister thinks fit"—has been seen in a number of Bills introduced recently in this Parliament. I do not think there is a need for the particular phraseology. It is easy to say, "as the Minister may specify", or, "as the Minister may determine", irrespective of the type of legislation. I feel this expression is quite out of character with parliamentary language; it is wrong to include such phrases as, "as the Minister thinks fit", or, "a fit and proper person".

I have discussed this matter with the private members' Parliamentary Draftsman, and he is of the same opinion. He cannot see why this expression has crept into legislation when other words would be more appropriate. It is in Parliament that such matters should be rectified. If the Parliamentary Draftsman chooses to use this language, we should attempt to

correct it. The phrase does not have any bearing on the legislation, but in my opinion it is a sinister type of phraseology. I believe the Minister should give serious consideration to my proposal. I move an amendment—

> Page 3, line 24—Delete the words "thinks fit" with a view to substituting the words "may specify".

Mr MENSAROS: The member for Clontarf says that it makes no difference whether or not the words are used in the Bill. He even described the words as being sinister. I wonder how he came to this conclusion, because he should know that the word "sinister" means left. I do not know whether he means the words are from the left hand side which automatically implies they are bad.

Mr May: That is exactly what you are doing—you are putting a sinister connotation on my use of that word.

Mr MENSAROS: But that is what the word means.

Mr May: It is only in the mind.

Mr MENSAROS: We are discussing an important measure, but it is not world shattering. We do not disagree that we wish to express the same thing, so why should we change the phraseology? Despite the fact that I agree wholeheartedly with the member for Boulder-Dundas that the Crown Law Department does not run the country, the Government is not in a position to consult legal advisers other than those in the Crown Law Department every day. I believe the member for Boulder-Dundas will admit that we must ask for advice on occasions, especially on legal technical matters. The advice received from the Crown Law Department is as follows—

> Parliamentary Counsel is of the view that the amendment to substitute the words "may specify" do not seem appropriate as any specifications which the Minister thinks fit would be contained in the security documents. Subclause 3, paragraph (c) may be simply paraphrased "the Minister may take such security or otherwise as he thinks fit". In these circumstances, the proposed amendment to Clause 4 does not seem appropriate.

I think I will leave the matter there, although a debate on the use of these words would be very interesting. I must say that I prefer the words used by the member for Clontarf in his comments to those appearing on the notice paper, which I believe could be just as sinister—to use his words—as the phrase in the measure. At some future time the words suggested might be accepted, but if objected to in particular legislation, they may lead to equal or more opposition.

Mr HARTREY: Perhaps the words "may determine" are better than the words "may specify", but I certainly think the member for Clontarf has a point. It is not a question of law but a question of plain English. Must we resign ourselves to the fact that none of us knows good English except the people at the Crown Law Department—although their brand of English is not one I admire?

Mr Skidmore: Certainly not the way they put some things together.

Mr HARTREY: In regard to the "sinister" aspect of the expression, as the Minister said, the word "sinister" means "left". This interpretation arose because some 2 000-odd years ago the superstitious Romans thought that if it thundered on the right it was a good omen, and if on the left, it was a bad omen! Because "sinister" is the Latin for "left", that word has an ill-omened meaning in English.

Mr MAY: The words contained in the minute from the Crown Law Department which the Minister read confirm what I have to say. The Minister said he could not run around to obtain legal advice from here and there. However, I point out that I obtained legal advice from a Crown Law officer. Here we have an example of a variance of opinion in the Crown Law Department. I thought a better phrase was, "as the Minister determines", but the Crown Law officer altered this to "as specified".

When a Minister delegates his powers, it will be an officer who determines a particular matter. Surely if the Minister is away and the officer, in a situation where he thinks fit, determines something, it is a most untenable situation. I do not see why the Minister is so emphatic about not accepting the amendment. Surely he will agree that we do not want phrases of this type in legislation, and other words should be used where possible. I am quite sure the Opposition would agree with a suggestion to substitute the words "as the Minister may determine". I hope the Minister will give consideration to using the words "as the Minister may determine". I leave it at that.

Amendment put and negatived.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Inventions Advisory Committee—

Mr MAY: This clause provides that there shall be established a committee to be known as the inventions advisory committee. A situation similar to that which I described earlier applies in this case. Surely is is only common sense that the committee should be called the inventions assistance advisory committee, because in the definitions "the Fund" is defined as meaning the inventions assistance trust fund. Why should we have an inventions assistance trust fund and not have an inven-

tions assistance advisory committee? Surely the two go together. We are talking about assisting inventors, whether it be by way of expertise or finance. This is primarily an assistance measure. I think we should use the word "assistance" as much as possible. Therefore, I move an amendment—

> Page 4, line 16—Insert after the word "Inventions" the word "Assistance".

Mr MENSAROS: I do not think we were any less vigorous than the present Opposition when we were on that side of the Chamber; but we never pressed a consequential admendment when the primary amendment was defeated.

Quite apart from that, if this amendment is to prevail, not only should the first amendment have been passed but a similar amendment should have been moved to clause 3. I oppose the amendment.

Mr SKIDMORE: I find the Minister's reason for not agreeing to the amendment moved by the Opposition to be most strange. He is more or less saying that because a similar amendment should also be moved to other clauses, that is the reason this amendment should not be agreed to.

Mr Mensaros: We cannot go back to previous clauses. You do not know Standing Orders. This is a consequential amendment.

Mr SKIDMORE: The Minister is suggesting that he will not accept the amendment because other clauses would have to be consequentially amended. Who is kidding whom? The Minister can fool some of the people some of the time, but he will be hard put to fool me on this occasion. The insertion of the word "Assistance" would give some credence and sensibility to the Bill. The clause establishes the inventions advisory committee. Obviously if the committee is going to advise inventors it will be involved very early in the piece if a person invents, for example, an automatic "tap turner-offer". Does the Minister suggest the committee will not be involved in the early stages?

Mr Hartrey: You have to be an inventor yourself to be able to advise.

Mr SKIDMORE: Of course, but one certainly would not have to be an inventor to be able to advise in respect of financial assistance or assistance by departmental officers in regard to whether or not the inventor of a solar system is worthy of assistance. Nowhere in the Bill is credence given to the fact that the whole measure is designed for the purpose of assistance.

I boggle at the absolute reluctance on the part of Ministers of this Government to concede even the smallest amendment to make sense out of that which is stupid; and that is precisely what this amendment does. I sincerely trust the Minister will see the sense of it and agree to it.

Amendment put and negatived.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Term of office—

Mr MAY: We seem to have difficulty in getting the Minister to accept even the smallest and most sensible amendment, so I do not know how we will get on as we proceed further. I hope the Government members who sit there and yell "Aye" have read the Bill and know what it is about. I am quite sure they have not read it, but I can assure them that the majority of members on this side have done so.

Clause 8 (3) states that the Minister may terminate the appointment of a member who, in the opinion of the Minister, because of illness, incapacity, failure to attend meetings of the committee, or any other reason, has ceased to perform or to be able to perform his duties. In my opinion the words "or any other reason" make the provision far too wide. If the Minister wishes to terminate the services of a committee member, surely he should specify the reason for doing so. Why is it necessary to include the words "illness, incapacity, failure to attend meetings"; why not just use the words "for any reason"? I think it is a ridiculous situation to specify certain reasons, and then to give the Minister *carte blanche* in respect of any other reason.

I think the terminology in my proposed amendment adequately serves the purpose. Surely "illness, incapacity or failure to attend meetings" is sufficient justification for the Minister to terminate the appointment of a member. If we include the words "or any other reason" a member could turn up and be told he is no longer on the committee. This could occur to one of the members of the Inventors Association; the Minister could terminate his membership without giving reasons.

I am sure if the Minister considers the matter he will realise that my amendment is an ideal substitute for the present subclause. I move an amendment—

> Page 5, lines 25 to 30—Delete subclause (3) with a view to substituting subclause—
>
> > (3) The Minister may terminate the appointment of a member if the Minister is satisfied that because of illness incapacity or failure to attend meetings of the Committee, he has ceased to perform or be able to perform his duties as a member.

Mr MENSAROS: I must oppose the amendment because it places restrictions on the Minister in respect of terminating the services of any member of the committee.

Membership of the committee will not be sought after; it is unlikely that a member whose services are terminated would seek to appeal, because it will be an honorary position, and the members of the committee will provide a service. If this amendment is enacted and a member of the committee is gaoled, the Minister will not have the opportunity to remove him from the committee because it will not be specified in the Act.

It could well be that a member of a committee decides to move from Western Australia or, because of other business, does not appear at committee meetings, and it becomes difficult to obtain a quorum at the meetings. That is why the phrase, "any other reason" has been inserted, and must be read in conjunction with the following words, "or be able to perform his duties as a member." There must be a reason that a member cannot perform his duties. I oppose the amendment.

Mr MAY: The Minister obviously is not aware of what he is saying, because he indicated that an occasion may arise when a committee member is in gaol. This clause specifies, "failure to attend meetings of the committee"; I do not know whether the committee is going to hold meetings at Fremantle Prison, but if not the Minister has the authority to terminate the services of any member who is not attending meetings.

Mr Mensaros: I think in the case of a member being in gaol, we would take him off the committee before the next meeting.

Mr MAY: Probably this would be the case. The Minister pointed out that committee members work in a voluntary capacity, and I am quite sure that if a member of the Inventors Association were to do something not in accordance with the provisions of the Bill or against the intentions of the association, that body would ensure the member would be replaced, because it is up to the association to nominate members to serve on this committee.

I cannot understand the Minister's reasoning. After a great deal of study of this legislation, we have come forward with several amendments designed to improve it, and it is just not good enough for the Minister to sit back and give off-the-cuff replies in declining to accept our amendments.

Like the Minister, we have obtained opinions from members of the Crown Law Department. I know that opinions of lawyers frequently differ, but the information we have is that our amendments are in accordance with good legislation, and would improve the Bill. I sincerely hope this will not continue to be the Minister's attitude in regard to the rest of the measure.

Amendment put and negatived.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Meetings—

Mr MENSAROS: I move an amendment—

Page 6, line 30—Add after the paragraph designation "(a)" the passage "subject to section 12,".

This amendment is the result of an amendment placed on the notice paper by the member for Clontarf and is a machinery amendment consequent upon the insertion of new clause 12. The intention of the amendment foreshadowed by the member for Clontarf was to permit the advisory committee to examine, evaluate and advise on any invention developed by a member of the committee, provided that member did not take part in the discussions relating to the provision or otherwise of assistance to enable the invention to be developed. The Government agrees with this suggestion. However, we do not believe he should be debarred from taking part in an examination of the invention, where he could be of assistance with his expert knowledge.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 16 put and passed.

New clause 12—

Mr MENSAROS: I move—

Page 7—Insert after clause 11 the following new clause to stand as clause 12—

Inventions by Committee members.

12. A member is not entitled to participate in the formulation of any advice to be given to the Minister concerning an invention developed by that member or to vote, at a meeting of the Committee, on any question relating to such an invention.

I have already discussed the reason for inserting this new clause. I freely admit it is as a result of an amendment placed on the notice paper by the member for Clontarf; the new clause proposed by the Government has the same intention, but achieves it in a different way from that foreshadowed by the member for Clontarf. It does not debar a member who is involved in an invention from the deliberations of the committee, except from those deliberations relating to a recommendation for or against assistance to develop the invention.

Mr MAY: The Opposition supports the proposed new clause; in effect, its principle is exactly the same as the one I foreshadowed, although couched in different verbiage. The association was most concerned at the possibility of one of its members being prevented from seeking

assistance if he had a worth-while invention because, by virtue of the fact that he was on the committee, he would be debarred from receiving assistance. I will not say that the Minister's new clause is an improvement; however, I am happy to get one of my amendments through and I thank the Minister.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

EVIDENCE ACT AMENDMENT BILL

In Committee

Resumed from the 4th September. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 2: Section 119 added—

The CHAIRMAN: Progress was reported on the clause after the member for Mt. Hawthorn (Mr Bertram) had moved the following amendment—

> Page 3, lines 4 to 6—Delete all words with a view to substituting the following paragraphs—
>
> (b) witnesses and interpreters in civil proceedings held under any of the following Acts—
>
> (i) The Supreme Court Act, 1935;
>
> (ii) The District Court of Western Australia Act, 1969;
>
> (iii) The Local Courts Act, 1904;
>
> (iv) The Workers Compensation Act, 1912;
>
> (v) The Industrial Arbitration Act, 1912; and
>
> (vi) The Mining Act, 1904; and
>
> (c) witness and interpreters at inquests held under the Coroners Act, 1920.

Mr O'NEIL: Members will recall that when we reported progress on this clause it was mainly because time was against us, as it was late in the afternoon last Thursday. We were discussing a proposal by the member for Mt. Hawthorn to make provision in the principal Act for this amendment to apply to witnesses in the Supreme Court, the District Court, the Local Court, any hearing of the Workers' Compensation Board, the Industrial Arbitration Commission, and also any hearing held under the provisions of the Mining Act.

I pointed out then that it was purely and simply the intention of the Government at present to provide a better method to determine fees paid to witnesses called by either the Crown or a local authority. Of course, in these particular cases the Crown and the local authority are responsible for the payment of fees to the witnesses they call. The Crown is not responsible for the payment of fees to witnesses called in civil or criminal actions so far as I am aware. At that time I started to explain the intention of the Government in this matter. There was some derision across the Chamber because, as I have mentioned, the Bill is that of the Minister for Justice and I represent that Minister in this place. In the intervening period I have had an opportunity to look more closely at the honourable member's proposal and I am afraid I am not convinced in the slightest that he has a point in his favour.

I now want to refer again to what will happen if, in fact, the Committee accepts the proposed amendment. Firstly, when talking on the Bill, the member for Mt. Hawthorn described criminal and petty sessional cases as coming within a very narrow area. My inquiries reveal that that is not a very accurate statement, because such cases form a very substantial part of our legal process and in no sense can they be referred to as coming within a "narrow area".

I am advised that when consideration was given to preparing proposals relevant to this amendment to the Evidence Act, the Statutes of all the States and the Commonwealth were thoroughly and completely examined, and it was found that all other Governments have legislated for the payment of witnesses called by the Crown and bodies analogous to the Crown in criminal and *quasi*-criminal proceedings, but not otherwise.

So here we are following suit again, and I suppose the honourable member will tell us that we should now start to step out in front. He probably knows, and I think the Committee ought to be aware, that his proposal would mean that all witnesses called by anybody, in any case, in any court, or in any tribunal which can be regarded as a court of record, or in any hearings held under the provisions of the Mining Act, would be paid by the Crown. In other words, he wants to socialise the courts of this State.

Mr Bertram: What is this?

Mr O'NEIL: The proposal the honourable member has put before us, by virtue of a clause we are probably not permitted to discuss; that is the proposal to amend section 119—

Mr J. T. Tonkin: Do you want the courts to be run privately?

Mr O'NEIL: The honourable member disbelieves that if his amendment is carried the Crown would be responsible for the payment of all witness fees in any jurisdiction?

Mr Bertram: I did not say that.

Mr O'NEIL: The honourable member does not believe that is right, or does he believe?

Mr Bertram: No.

Mr O'NEIL: I am telling the honourable member and this Committee that on looking at the provisions of subsection (4) of proposed new section 119 it will be found that if the honourable member is successful in having his amendment carried, the Crown will be responsible for the payment of witnesses in all cases in all the courts of this State. Is that what the honourable member wants?

Mr Bertram: Not at all.

Mr O'NEIL: Well, that is what his amendment will do.

Mr Bertram: Well, we will amend the section.

Mr O'NEIL: We will not amend anything as far as I am concerned, but it is clear that the honourable member who moved the amendment did not know what he was doing and, in those circumstances, I cannot agree with it. In any case, it is not the intention of the Government to extend this provision other than to witnesses called by the Government, by organisations analogous to the Government, such as local authorities.

To go a little further, the honourable member said that a person should look up the Act to ascertain what he is entitled to. Invariably allowances to witnesses are shown in the rules or regulations of the court and not in any Act.

Mr Bertram: That is right. How does a person find that out?

Mr O'NEIL: The honourable member said he has to look up the Act.

Mr Bertram: That is right.

Mr O'NEIL: The Bill makes the distinction between witnesses and interpreters, and I understand the member of Ms. Hawthorn takes no exception to that. However it has always been, it is now, and probably will be forever that in the area of being a witness there is a degree of public responsibility. The Government believes that in respect of witnesses it calls it should certainly pay fair and adequate fees to them. Provision is now being made under the Statute, rather than by some rule of thumb arrangement, for that to be done. However, it is not our intention, and it is not the intention of any other Government in Australia, to be called upon to pay the fees of all witnesses.

Mr Bertram: Will the Minister just point to that part of section 119 he is relying on?

Mr O'NEIL: The opinion given by the Government's legal advisers is that the amendments proposed by the honourable member would mean that the Crown would be liable to pay all witnesses in so-called civil proceedings. That is the interpretation of the Government's legal advisers; it is not my interpretation. Perhaps it might be as well for the member for Boulder-Dundas to check on this interpretation. According to the legal advisers of the Government, under the amendment the State would be called upon to pay every witness, whether or not called by the Crown, in regard to all proceedings including criminal and *quasi*-criminal proceedings. I am sure the honourable member does not want that.

Mr Bertram: That is correct. You are interested only in frustrating a good motive, instead of correcting it.

Mr O'NEIL: I have already said the Government rejects the motive.

Mr Bertram: Why do you bother about the rest of it?

Mr O'NEIL: If the honourable member does not want me to make any explanation I will sit down and that will be easier.

Mr Bertram: No purpose is served in putting up a case when you will not bother about it.

Mr O'NEIL: In the Committee stage of the Bill last week I said the Government rejected the proposition and I gave the reason, but some members opposite laughed because they had no argument. I have had a week to look at the effect of the amendment, and I now have the benefit of the opinion of the Government's legal advisers.

They tell me, in essence, that in a number of respects—these are my words—the honourable member does not know what he is talking about. I mentioned two examples, and they have made the point that if the honourable member's amendments are passed certain things will occur. The honourable member says he does not want them to occur, but I am advised they will occur. Here we are arguing with a person who, in my view, does not know what he is talking about.

The Government is setting out to do what has been done by every Government in this country; to make adequate provision for payment of witnesses called by the Crown or organisations analogous to the Crown—that is, local government. That is what the Government is attempting to do. The honourable member has brought in some ideas of his own which, if we agreed to them, would make the Crown liable to pay all witnesses. That is absolutely farcical.

As I understand the position, in the case of civil proceedings between two parties, the court in which the case is heard makes a determination as to costs, and not as to witness fees. The payment of witnesses is a matter for negotiation between the person calling them and the witnesses themselves.

It has been pointed out that if there is, in essence, a prescription for payment of a fee to witnesses then there could be an expectation on the part of witnesses to obtain the fee. It would be a requirement under the law. I would hazard a guess that in many civil proceedings there are

people who volunteer to give evidence and serve as witnesses; these may be the friends of the parties concerned.

Mr Bertram: Nobody is stopping that.

Mr O'NEIL: I have already said that the amendments proposed by the honourable member will make it mandatory for the Crown to pay all witnesses. If that has not got through to the member for Mt. Hawthorn, I am sure it has got through to the rest of the Committee. I oppose the amendment before the Chair.

Mr BERTRAM: There is no need for the Minister to get upset. On the last occasion when the Bill was dealt with in Committee he said the Government would not be prepared to alter the law in the manner the Opposition likes to see it improved.

Mr O'Neil: You have admitted that your proposal will not improve the law. It will do something which you did not think it would do.

Mr BERTRAM: If we examine the record of the proceedings of last week in *Hansard* we will find that the Minister confessed the case we had made out was quite effective.

Mr O'Neil: That would be a wild statement. I have not confessed that you have made a good argument in your life.

Mr BERTRAM: When people perform like that it is because they do not have a case. So, the Minister is leaving his footprints in the sand.

Mr O'Neil: You were going to quote from *Hansard* where I said you had made out a good case. You should do that instead of making innuendoes.

Mr BERTRAM: The Minister should pause for a while, otherwise he might have a heart attack.

Mr O'Neil: That might be preferable to sitting here and listening to you.

Mr BERTRAM: Shortly I might ask the Minister to withdraw that remark.

Mr O'Neil: I will do so. I am not like some members opposite. I obey the Chair.

Mr Skidmore: I obey the Speaker, too.

Mr BERTRAM: I refer to an interjection the Minister made in the second reading debate on the 4th September, recorded at page 2567 of the current *Hansard*. His interjection was—

> By the time he has done all that he should sit for a Bar examination.

Mr O'Neil: Does that mean I said you had put up a good case? I was referring to the person who you said had to wander all over the place to find out. Do you suggest that my interjection implied that you had made out a good case?

Mr BERTRAM: Can the Minister not understand that?

Mr O'Neil: I am certain you do not understand.

Mr BERTRAM: I shall explain it to the Minister. Obviously the Minister is having difficulty.

Mr O'Neil: I think you are.

Mr BERTRAM: The Minister is having a difficult period. What the Minister wants the people to do, and continue to do, is to go from court to court to acquaint themselves of the position. In this case we have tallied eight different Acts which are affected.

Mr O'Neil: You mix with strange people if they have to go before eight different courts.

Mr Davies: The Minister should be quiet.

Mr O'Neil: I suggest the honourable member tell the member from Mt. Hawthorn to be quiet. If he did we would get on much better.

Mr BERTRAM: The Minister has found his tongue, but he did not seem to have a tongue when the debate on the Electoral Districts Act Amendment Bill was taking place.

Mr O'Neil: That is another misstatement. I happened to be the Minister handling the Bill in the Committee and third reading stages.

Mr BERTRAM: The Minister is now handling the Bill.

Mr O'Neil: You said I did not have a tongue.

Mr BERTRAM: It would be better if the Minister did not.

The CHAIRMAN: Order! Might I suggest to both the Minister and the member for Mt. Hawthorn that we will make much more progress if they confine their remarks to the amendment before the Chair.

Mr BERTRAM: From what the Minister has told us the Government decided last week that the amendment we had put forward would not succeed. The object of the amendment is to make the law more readily accessible and more readily understood by ordinary people who are not Queen's Counsel or Speed Gordons. That was what I said on the last occasion. What we want to do is to place all the law in one package, under one Act and one set of regulations, instead of 16 packages, under eight Acts and eight sets of regulations.

That is not acceptable to the Government. We know what will happen by reason of the Government's numbers in this Chamber. We like the idea of the Bill, but we believe it can be improved upon. Believing that the Bill can be improved upon having discussed it in Committee, and having had an independent legal man to draft legislation to give expression to our purpose, we would not be much of an Opposition if we did not act upon it. We are now acting upon it, and we propose to continue on this line until we have expended our opportunity. That is the way we see our function in this Chamber. On

does not derive a great deal of satisfaction from it from time to time, but that is the way it must be for the time being.

Instead of the Minister observing the merit of the exercise and what we are seeking to achieve, he simply states that there is a clause 4 or some such clause and that if we have a look at that we will find we will be achieving something we do not want to achieve. That may be possible although I do not readily concede it. An independent lawyer thought otherwise and the Minister knows, or if he does not, it is high time he comprehended the fact, that we have no desire to change the law in respect of the payment of witness fees in other instances. If our amendment were passed it would not in any way affect the law as to who pays witness fees. Instead of a witness looking in the Supreme Court rules he would look at the rules in the Evidence Act. What is wrong with that?

Instead of the Minister looking at the situation and trying to help us to alter the provision to make it right, he sticks rigidly to some notes which someone else has provided.

Mr O'Neil: I did not stick rigidly to any notes. In fact, I got into trouble for not sticking to notes.

Mr BERTRAM: Did the Minister?

Mr O'Neil: From the Chairman, not you.

Mr BERTRAM: Whether or not the Minister stuck to his notes, we are here to discuss matters with a view to hammering out the best legislation. That is the object of the exercise, or at least that is what the public thinks it is, and I am supposed to believe it is. However, instead of entering into the spirit of the debate and hammering out the amendment to obtain a result which is best for the people and which we conscientiously believe is best for the people, the Minister blocks us. If the principle of what we are seeking is to do the best for the people, it should not be for the Minister to put up a blocking procedure and tell us to look at a certain clause. I think I was entitled to place reasonable reliance on the draftsman who drafted the Bill. I think I am entitled also to believe that his views are as good as the next lawyer's, or he should not be the Parliamentary Draftsman.

Mr O'Neil: Perhaps you ought to write to him and tell him that.

Mr BERTRAM: I think he is as good as anyone else. I have found him thoroughly co-operative, skilful, and quick in his work, furthermore. So I appreciate his work. He is capable of making an error, just as I am and as are most people in this place. Only one or two think they are not.

So, instead of criticising and trying to do the right thing for the people overall to make the law easier to comprehend and to get at, the Minister puts up a blocking device and tells us the clause is wrong. That might give satisfaction to some, but I hope it does not give satisfaction to many. It is certainly not the intention of the Opposition that the Crown should be paying all witness fees. That is a completely outlandish concept and it is certainly not the intention at all. We are simply trying to achieve a result which is better for the people and I do not see anything wrong with that approach at all.

Incidentally I am not conceding by inference or otherwise that the clause 4 to which reference has been made does operate in the way in which the Minister says it operates. So we persist with our amendment. It is a pity it was not discussed in the rational way it was discussed last week with some sort of spirit of co-operation and a desire to achieve a satisfactory result.

The Opposition still takes the view that it is much better for all the law relevant to witness fees to be set forth in one Act and one regulation, because as I pointed out last week many witness fees these days are similar under the various rules so why a person should have to look in eight different places to find that the fees are the same, I do not know.

We have also observed that some of the courts, instead of fixing the rules, have indicated that the people should not bother to look at their rules, but should look at other rules. I think an example of this was the District Court of Western Australia Act in respect of the rules for the various witnesses. For them one must look at the Supreme Court rules.

The CHAIRMAN: The honourable member has three minutes.

Mr BERTRAM: We consider that is ludicrous. Instead of attempting to achieve a better result by quietly sitting down and working towards this end, to remove red tape, and cut the regulations by eight times, and reduce the Acts by about eight times, to save endless duplication, printing, and tabling of regulations, and heaven knows what else, and to simplify the whole position, we just have to put up with a block—a non-co-operative attitude. This is what the Government does instead of allowing the Committee to function as it should function, as I have stated so many times, but which is *worth another comment*. The situation is a farce. Instead of the Committee coming to grips with the problem, it is just wasting the time of 51 members and is not functioning as a Committee at all. That is what is happening. It is frustrating, but is apparently something to be tolerated indefinitely; for how long I do not know.

As to the narrow area the Minister indicated earlier in his remarks, he merely quoted out of context. He fastened onto the fact that I said the Bill currently

was being confined to a narrow area. The Minister did not produce any statistics as to how many summonses are issued out of the Local Court, Perth. There are thousands and thousands of them. If they were all added up I assume it would be agreed that it is no narrow area. But that is a minor ingredient. The Minister picked on a little thing in a speech when it had very little significance in the total debate, but he fastened onto it.

Nothing the Minister has said has caused us to change our view. No real attempt has been made to come to grips with the amendment. There is only a desire to turf it out, and not because of any lack of merit really.

Mr SKIDMORE: Having spoken during the second reading debate, and having listened to the Minister tonight, perhaps I should hesitate to enter into the arena again.

Mr O'Neil: I will be kind to you.

Mr SKIDMORE: I have heard an example of the expertise of the Minister who says that he has been advised by his legal advisers that what he says is so. I have heard the member for Mt. Hawthorn, equally well trained, who informs us he would express an opposite point of view.

So, with me in the middle as the arbitrator to decide whether the Minister is right or the member for Mt. Hawthorn is right, I am left in a fairly difficult position.

Mr O'Neil: Why not consult your colleague from Boulder-Dundas?

Mr SKIDMORE: He has some work to do later on.

Several members interjected.

Mr SKIDMORE: As my time is limited and as I desire to make a conscientious and sincere contribution to the debate, I request that I be allowed to continue with my speech.

I cannot accept the words of the Minister who said that his legal adviser said that the Crown would be responsible for all witness fees if this particular amendment were accepted.

Mr O'Neil: In criminal and *quasi*-criminal actions.

Mr SKIDMORE: All right—in those actions.

I suggest the Minister should read clause 2, which we want to amend. It is our opinion that the various courts which handle proceedings should be subject to the automatic adjustment of fees. I understand the Minister referred to section 119 of the principal Act. I am afraid I cannot agree with the interpretation which his legal advisers have placed on the amendment. I could be wrong, and I may be found to be wrong. The Minister said that all witnesses will be affected but the only witnesses who can be affected are those engaged by the prosecution. The exclusion is set out in proposed new subsection (2). That means witnesses called by the defence will not be subject to payment by the Crown.

It seems that at times it is necessary to have a layman such as myself to point out the idiocy of some of the provisions which are written into legislation. The clause will not do as the Minister states because there is an exclusion. I have previously raised with the Minister the sheer simplicity which would be achieved as a result of accepting the amendment moved by the member for Mt. Hawthorn.

Witness fees have been adjusted at various times, some in 1970, some in 1958, and at other times. They have been adjusted either by regulation, or by amendments to legislation. We claim that the proposal is most untidy and suggest there should be a common ground for the application of witness fees. The Government often complains about costs involved in running the country, and it has often castigated the Australian Government for not supplying sufficient funds. Here is a proposal to reduce costs.

The proposed amendment will apply some justice to the scale of witness fees. I cannot accept that what is proposed by the Minister will apply to all witnesses. That would be impossible under the provisions of the Bill. I appreciate that the Minister is handling the Bill on behalf of the Minister for Justice but he should try to accommodate what we believe is a worth-while amendment which will assist people involved in litigation. I commend the amendment moved by the member for Mt. Hawthorn.

Mr O'NEIL: I understand we are discussing a move for the deletion of lines 4 to 6 on page 3 of the Bill, for the purpose of inserting other words. I will keep my remarks germane to that situation.

Mr SKIDMORE: On a point of order, Mr Chairman, I take exception to the implication of the Minister that I did not keep to the amendment under discussion. I claim I did not deviate from the amendment.

The CHAIRMAN: There is no point of order. If the member took the Minister's remarks as an implication that he did not keep to the amendment, I did not. The Minister simply said that he would confine his remarks to the question before the Chair.

Mr O'NEIL: I apologise to the honourable member. I merely went out of my way to use a word which he frequently uses; namely, "germane". Perhaps I should not attempt to be facetious.

The point raised by the member, in my view, certainly is a Committee matter. I feel the member will accept the

answer to his query. He stated that because of the provisions contained in paragraph (a) of subsection (2) of proposed new section 119, where there is reference to witnesses called and interpreters arranged by the prosecution, the remainder of witnesses and interpreters will not qualify.

It is an understandable misunderstanding, but I suggest the honourable member look a little more closely, when I am sure he will agree with me. The provision the Government intends to make is for witnesses called and interpreters arranged by the prosecution (i) in criminal trials, etc., and (ii) in proceedings in a summary court; and it stops there. That is the area which refers to witnesses called by the prosecution. It does not apply to paragraph (b) which deals with witnesses and interpreters at inquests, who will be paid whether or not they are called by the prosecution; and I do not think there is any prosecution in that particular court.

The provision in this amending Bill says that where witnesses are called and interpreters are arranged by the prosecution in two particular circumstances the Bill will apply, and in another case the Bill will apply to witnesses at inquests, who are not called or arranged, and to interpreters, although I do not know that there are many interpreters at the coroners' inquests I am thinking about. If the honourable member reads more accurately he will find his interpretation, that only witneseses called by the prosecution will be paid under this Bill, is wrong.

Mr Skidmore: Do you say it is all other witnesses?

Mr O'NEIL: I am saying the provision of the Bill, unamended, says that witnesses called and interpreters arranged by the prosecution in criminal trials and in proceedings in a summary court are one set of people. Paragraph (b) refers to witnesses at inquests who are not called by the prosecution.

Mr Skidmore: I accept that.

Mr O'NEIL: The proposal of the member for Mt. Hawthorn is to put in another paragraph (b) and change the present paragraph (b) to paragraph (c). The member for Mt. Hawthorn proposes that witnesses and interpreters in civil proceedings held under certain Acts shall be paid; but they are not called by the prosecution and that qualification does not apply to his proposal. It therefore follows that under his proposal the Crown would pay the lot. The Bill says that witnesses called by the prosecution in certain proceedings will be paid by the Crown according to the regulations. It does not say anything about anything else. If we accept the suggestion of the member for Mt. Hawthorn, all witnesses, whether or not called by the prosecution, in so-called civil proceedings will be paid by the Crown.

Mr Bertram: They will not be. That is only what you are saying.

Mr O'NEIL: Mr Chairman, I give up.

Mr SKIDMORE: Mr Chairman, I do not give up, and I quarrel again with the Minister. He says I should look at the amending Bill in a little more depth.

Mr O'Neil: I was not being critical.

Mr SKIDMORE: I accept that. I suggest to the Minister that the reference to the regulations would come in before, not after, the word "and" in line 4 on page 3. We have at the moment two exclusions in subparagraphs (i) and (ii) where the prosecutor may call witnesses in criminal trials and proceedings in a summary court. What we are doing is adding the same requirement to other courts. It that right?

Mr O'Neil: No. Paragraph (a) starts off "witnesses called"; paragraph (b) in the amendment on the notice paper does not refer to witnesses called by the prosecution but simply says "witnesses and interpreters in civil proceedings".

Mr SKIDMORE: They are still subject to paragraph (b).

Mr O'Neil: They are not. Paragraph (a) applies to witnesses called in two instances; paragraph (b) is a new subject. It does not say "witnesses called"; it starts off "witnesses and interpreters in civil proceedings".

Mr SKIDMORE: It will be (a) witnesses called and interpreters arranged by the prosecution, and (b) witnesses and interpreters in civil proceedings, under any of the other Acts, called by the prosecution.

Mr O'Neil: No.

Mr SKIDMORE: I do not wish to delay the Committee but I cannot accept the reasoning given by the Minister. I will leave it at that, and would welcome the opportunity to further my legal learning in private with the Minister, when we may be able to resolve our difference of opinion.

Mr JAMIESON: There does seem to be a difference of opinion which needs to be clarified. I think the Minister thought he had a point on the amendment moved by the member for Mt. Hawthorn which overrode all other considerations.

Mr O'Neil: I said we did not believe in what he was proposing anyway.

Mr JAMIESON: That was the socialisation of witnesses.

Mr O'Neil: Of courts, not witnesses.

Mr JAMIESON: They were socialised a long time ago, and I am glad they were because I would hate courts to be under private enterprise. We already have enough courts under private enterprise and we do not want any more. To my knowledge there are no courts which are privately run.

I suggest what is being proposed should be seriously considered by the Government; that is, all categories of witnesses who are called in respect of Governmental matters should be brought under one particular Act and not separated in various Statutes. This would be an achievement. One has to refer to a multitude of Acts to find out whether or not a witness has rights. It is very compiex and in this legislative Chamber we should aim to simplify the situation which has come into being. This is not always easy to do.

I have not taken a particular interest in the matter but because of the discussion that has ensued it appears there is room for a reference to Crown Law. We cannot always rely on the Crown Law officers to give the best possible legal advice on some of these matters. Sometimes they are right and sometimes they are wrong.

Very often, when something is pointed out by leading attorneys or Queen's Counsel, the officers say, "Oh, you would be right; my interpretation was wrong." I am not sure exactly what we should do about this matter, but I do have sympathy with the endeavours of the member for Mt. Hawthorn. Perhaps he is attempting a little bit of socialisation, but it is justifiable to this small degree. If we accept his submission, we will not finish up with "reds under the beds"! His aim is to let the law run generally as it does at present, but to ensure that witnesses, when called to give evidence—whether by the Government or by the police—are paid a common witness fee. I suggest that the Minister should look at this matter again in the light of the argument that has ensued this afternoon.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Neil (Minister for Works).

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [6.02 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. on Tuesday, the 30th September.

Question put and passed.

House adjourned at 6.30 p.m.

Legislative Council

Tuesday, the 30th September, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

BILLS (9): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Chicken Meat Industry Committee Bill.
2. Radiation Safety Bill.
3. Acts Amendment (Judicial Salaries and Pensions) Bill.
4. Marketing of Barley Act Amendment Bill.
5. Railways Discontinuance and Land Revestment Bill.
6. Weights and Measures Act Amendment Bill.
7. Criminal Code Amendment Bill.
8. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
9. Transport Commission Act Amendment Bill.

PARLIAMENTARY COMMISSIONER'S REPORT

Tabling

THE PRESIDENT (the Hon. A. F. Griffith): I have for tabling the report of the Parliamentary Commissioner for Administrative Investigations for the year ended the 30th June, 1975.

The report was tabled (see paper No. 349).

QUESTION WITHOUT NOTICE

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Consumer Affairs Council: Views

The Hon. LYLA ELLIOTT, to the Minister for Education representing the Minister for Consumer Affairs:

(1) Will the Minister advise whether the Consumer Affairs Council is in full agreement with all the proposed amendments to the Door to Door (Sales) Act currently before the House?

(2) If the answer is "No", on which amendments is there disagreement, and why?

The Hon. G. C. MacKINNON replied:

(1) and (2) I thank the Hon. Lyla Elliott for giving me some prior notification of this question, which has given me a little time to think about it. The result of my thoughts in respect of the question is that I believe if it is not markedly out of order it is at least improper under the circumstances.

The Hon. Lyla Elliott: Why?

The Hon. G. C. MacKINNON: The Bill has been before this House for a considerable time and is currently in the recommittal stage. The purpose of questions without notice is to obtain information not otherwise available