

Legislative Council

Tuesday, the 7th April, 1970

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

QUESTIONS (10): ON NOTICE

1. POLICE

New Premises at Kondinin

The Hon. J. J. GARRIGAN (for The Hon. R. H. C. Stubbs), to the Minister for Justice:

Further to my question dated the 6th August, 1969, regarding the provision of a new police station-courthouse at Kondinin—

(a) was this programme included in the loan programme for 1969-1970; and

(b) if so, when will construction commence?

The Hon. A. F. GRIFFITH replied:

(a) Yes.

(b) Shortage of Loan funds did not allow for an allocation for this project. It has been included on the draft Loan proposals for 1970-71.

2.

LICENSING

Grading of Hotels

The Hon. V. J. FERRY, to the Minister for Justice:

(1) How many hotels have so far been graded by the State Licensing Court into each category of star rating for—

(a) metropolitan hotels;

(b) country hotels?

(2) What indication is there that country hotels, particularly those situated in what might be regarded as tourist areas, are making a genuine effort to effect improvements designed to qualify them for a star rating?

(3) (a) How many long term loans; and

(b) what total amount; has the Tourist Development Authority made available to hotel owners who desire to improve accommodation and facilities for guests?

(4) Does the Tourist Development Authority consider that the legislative provision for assisting with the up-grading of hotels is satisfactorily fulfilling its purpose?

(5) If not, are changes being considered in the light of experience gained under this measure?

The Hon. A. F. GRIFFITH replied:

	Stars					
	One	Two	Three	Four	Five	Total
(a)	19	4	7	2	1	33
(b)	21	13	6			40

(2) At the present time the following country towns which might be regarded as tourist areas have hotels which have been graded:

	Hotels
Albany	2
Augusta	1
Balladonia	1
Carnamah	1
Eucia	1
Esperance	2
Geraldton	2
Jurien	1
Jerramungup	1
Kalgoorlie	2
Katanning	1
Madura	1
Mandurah	2
Manjimup	1
Narrogin	1
Rockingham	1
Safety Bay	1
Walpole	1
Total	23 hotels

	Hotels
North West	
Broome	2
Coral Bay	1
Carnarvon	2
Derby	2
Dampier	1
Exmouth	1
Kununurra	1
Tom Price	1
Port Hedland	3
Wyndham	1
Total	15 hotels

In addition, the following country towns have hotels that have submitted plans for improvements or Provisional Certificates have been granted to qualify for star grading.

	Hotels
Bunbury	1
Busselton	2
Cunderdin	1
Geraldton	1
Kellerberrin	1
Mt. Newman	1
Merredin	1
Moora	1
Mandurah	1
Marble Bar	1
Newdegate	1
Northam	1
Ravensthorpe	1
Shark Bay	1
Wittenoom	1
457 Mile Peg,	
Great Northern	
Highway, Wannoo	1
Total	17 hotels

- (3) (a) One. Discussions have taken place with three other hotel owners.

(b) \$51,000.

- (4) The legislative provisions are considered satisfactory but the number of applications from hotel owners has been disappointing.

The Tourist Development Authority has not used its borrowing powers to the full because applications have not required the annual amount already authorised under the Tourist Act.

- (5) No alteration in the legislative provisions is considered necessary.

3.

REGULATIONS

Advice Regarding Alterations

The Hon. CLIVE GRIFFITHS, to the Minister for Justice:

- (1) Where under an Act of Parliament power is included for an authority to make regulations and subsequently those regulations are altered by deletions, additions, or amendments thereto, are advices as to such alterations forwarded automatically to persons who are vitally concerned with the rules applicable under that Act?
- (2) If not, in what way can these persons be quite sure that they are in fact acting in compliance with the Act, and observing the requirements of the current law?

The Hon. A. F. GRIFFITH replied:

- (1) No.
- (2) Any amendments thereto are published in the *Government Gazette*, which is available to any member of the public.

4.

RAILWAYS

Flooding in Yalgoo District

The Hon. G. E. D. BRAND, to the Minister for Mines:

In view of the fact that when flooding occurs in the Yalgoo district and floodwaters are prevented by the railway embankment from following a natural course away from the town, can action be taken to relieve this situation in future by the installation of culverts or bridges under the railway line in the affected area?

The Hon. A. F. GRIFFITH replied:

It is considered that culverts already provided are sufficient for normal rainfall conditions. Recent rainfall has been abnormal.

RAILWAYS

Conditions of Employment

The Hon. R. F. HUTCHISON, to the Minister for Mines:

- (1) Has the Minister read an article headed "Battle for Job ends in Tears" in the *Daily News* dated the 25th March, 1970?
- (2) If not, would he please do so and ascertain from the appropriate authority why it was found necessary to dispense with the services of a 20-year-old part-Aboriginal lad named Geoff Merritt because it was found necessary for him to wear spectacles at work?
- (3) Should the reply to (2) indicate that the spectacles constitute a hazard in the type of work involved, could it be possible for the lad to be permitted to wear protective goggles when working?

The Hon. A. F. GRIFFITH replied:

- (1) Yes. However, I am informed that the article is not strictly correct in that it indicates that the termination of Geoffrey Merritt's services was referred to the Honourable Minister. This was not so.
- (2) It was found necessary to dispense with Geoffrey Merritt's services because a medical examination by the Railway Medical Officer disclosed that his vision was not up to the standard required. He could not reach the minimum standard required for an entrant to the service. The Railway Medical Officer subsequently confirmed that he should not be employed in the Midland Workshops.
- (3) Whilst it may be possible for an employee to wear protective goggles over his glasses when working, in the interests of safety in the workshops the policy is to decline applications for permanent employment as junior workers from applicants who cannot meet the visual requirement.

6.

EDUCATION

Students at Teachers' Training Colleges

The Hon. F. J. S. WISE (for The Hon. R. F. Claughton), to the Minister for Mines:

- (1) How many students were selected for entry into Teachers' Training Colleges in 1969?
- (2) Of these, how many subsequently withdrew?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) If the question refers to students who entered the Teachers' Colleges in February, 1969, the target was 1,120 and 1,078 entered colleges.

If the question refers to students who applied late in 1969 for entry in 1970, the target was 1,220 and the actual intake 1,132.

7. PRIVATE SWIMMING POOLS

Enforcement of Safety Measures

The Hon. J. J. GARRIGAN (for The Hon. R. H. C. Stubbs), to the Minister for Local Government:

With reference to the Uniform Private Swimming Pool By-laws published in the *Government Gazette* of the 6th February, 1970, do the safety measures enforceable under these by-laws apply retrospectively to private swimming pools installed prior to the date of Gazettal?

The Hon. L. A. LOGAN replied:

The By-laws apply as from date of gazettal to all private swimming pools in declared districts whether built before or after such date.

8. FORESTS

Timber Diseases

The Hon. V. J. FERRY, to the Minister for Mines:

- (1) What research methods are being adopted by the Forests Department in studies to control the growth and activity of the fungus *Phytophthora Cinnamomi*, the causative agent of jarrah dieback?
- (2) What species of commercially acceptable timber appear to be resistant to the ravages of the fungi?
- (3) Is it considered that jarrah dieback areas can be successfully reforested with disease resistant species?
- (4) What results have been obtained from the research on the seasoning of jarrah timber affected by dieback?

The Hon. A. F. GRIFFITH replied:

- (1) Research being carried out by the Forests Department:
 - (a) Ecological studies to determine the site factors which affect the activity of *Phytophthora* in both the northern and southern forest regions.
 - (b) Investigation into physical and chemical methods of control in areas of high quality forest.

- (c) Pathological investigations into the relationships between *Phytophthora* and its host species.

- (d) Pathological and field investigations into the resistance of principal species to *Phytophthora*.

Research being carried out under research fellowships sponsored by the Forests Department:

- (a) Australian National University, Canberra. Pathological investigations into the use of biological agents antagonistic to the fungus as effective measures for control of *Phytophthora*.

- (b) University of W.A. Pathological investigations into the basic growth habits of the fungus in the soil and into its method of infecting the roots of host species.

Research being carried out by Department of National Development, Forest Research Institute, Kelmscott:

Basic mycological investigations into the methods of growth, reproduction and survival of *Phytophthora cinnamomi*.

- (2) Commercial timber species assessed as resistant to *Phytophthora*:

Indigenous Eucalypts

- E. diversicolor* (karri)
- E. wandoo* (wandoo)
- E. calophylla* (marri)
- E. patens* (W.A. blackbutt)

Eastern States Eucalypts

- E. maculata* (Spotted Gum)
- E. resinifera* (Red Mahogany)
- E. saligna* (Sydney Blue Gum)
- E. microcorys* (Tallow wood)
- E. propinqua* (Grey Gum)

Pines

- P. radiata*
- P. pinaster*
- P. taeda*
- P. elliotii*

- (3) Yes.

- (4) Studies into the problems of seasoning jarrah timber from trees both affected and unaffected by *Phytophthora cinnamomi* are proceeding in conjunction with the Division of Forest Products, C.S.I.R.O., Melbourne, and the Associated Sawmillers and Timber Merchants of Western Australia.

9. SHIPPING

Oil Pollution

The Hon. F. J. S. WISE (for The Hon. R. F. Claughton), to the Minister for Mines:

- (1) What is the maximum size of oil tankers supplying Western Australian ports?
- (2) Should such a ship be wrecked on our coast, is there readily available in this State—
 - (a) sufficient detergent such as the recently developed B.P. 1100 to disperse the cargo from a ship of the above size;
 - (b) vessels equipped to skim off spilled oil; and
 - (c) booms that will satisfactorily contain an oil spillage?
- (3) In the event of such a disaster, which Government Department is responsible for organising the containment and dispersal of the oil?

The Hon. A. F. GRIFFITH replied:

- (1) 96,000 tons.
- (2) (a) No. B.P. 1100 is a recently developed non toxic oil dispersant detergent, produced in Scotland but not yet available in this State. Another non toxic oil dispersant is available but not in sufficient quantities to cope with such an emergency. However, some stocks of toxic detergents are held in this State but not in sufficient quantities collectively to treat and disperse oil spillage from a wrecked tanker.
- (b) and (c) No; however, experiments have been conducted by B.P. Ltd and results indicated that both are impractical except in calm conditions in a small area.
- (3) (a) In defined ports and harbours the appropriate Port Authority;
- (b) elsewhere within three miles of the W.A. coast the Harbour and Light Department;
- (c) elsewhere, outside the three mile limit, the Commonwealth Government.

10. POLICE

New Courthouse at Kulin

The Hon. J. J. GARRIGAN (for The Hon. R. H. C. Stubbs), to the Minister for Justice:

- (1) Is it proposed to erect a new courthouse at Kulin?
- (2) If so, when will construction commence?

The Hon. A. F. GRIFFITH replied:

- (1) The Minister for Police has included provision for a Court Office in the draft loan proposals for 1970-71.
- (2) This will be dependent on availability of funds.

BUILDING SOCIETIES ACT

AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

WILLS BILL

Recommittal

Bill recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clause 19.

In Committee

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

Clause 19: Revocation of privileged will—

The Hon. A. F. GRIFFITH: I apologise to the Committee for the necessity to recommit the Bill. I suppose I should have noticed that it would be necessary in this clause to make a change similar to the one made to clause 7, because the words "twenty-one" occur in this clause also. One of my vigilant officers pointed out to me that the words in question still remained in clause 19 and, consequently, I saw the necessity to recommit the Bill. I move an amendment—

Page 6, line 26—Delete the passage "twenty-one" and substitute the word "eighteen."

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with a further amendment.

BILLS (2): THIRD READING

1. Local Courts Act Amendment Bill.

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

2. Nurses Act Amendment Bill.

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

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th March. THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.55 p.m.]: The subject matter of

the Bill is divided into two portions: the first is designed to give the Commissioner of Police power to discipline his staff and the second deals with the theft of boats and parts thereof.

The disciplinary clauses in the Bill seek to amend sections 23 and 24 of the parent Act and to give the Commissioner of Police the right to reduce the status of any member of his staff, notwithstanding any recent promotion. Different appointments are available to police officers within the department and it is thought reasonable that there should be a provision whereby the status of officers can be reduced when the situation is warranted. The purpose of the amendments is to give the Commissioner of Police disciplinary powers without the drastic situation of dismissal.

There is no objection from those concerned to the commissioner having this power. The Police Force has grown considerably over the past 10 years and will continue to grow. In view of the promotions which are offered by the department it seems quite reasonable to include additional disciplinary power in the legislation to justify appointments and to keep prestige within the department.

The penalties are defined within the Bill and vary according to the rank which a police officer may hold. As I read the amending Bill it is a question of handing over disciplinary powers to the commissioner who will use them for the benefit and prestige of the Western Australian Police Force.

The second portion of the Bill seeks to give protection to boat owners who may suffer through the depredation of others so far as their boats or parts of boats are concerned.

The present Act has certain disadvantages in the definitions, particularly as regards where a theft or misdemeanour could take place, and this Bill seeks to widen those definitions. The legislation provides for fairly stringent consequences for actions of that sort against the boating public. I sometimes wonder whether the boat owners themselves are not a contributing factor to this type of misdemeanour because of the way in which their boats are displayed. We see a conglomeration of boats, moored side by side, and amounting to thousands of dollars in value. The boats are fitted with intricate equipment, and are left unguarded for long periods of time.

I think there is some responsibility on the part not only of the boat owners but also the owners of any property to take reasonable care of their assets. Sometimes the insurance policy on a motor vehicle that has been stolen may be voided if the owner cannot show that reasonable care had been taken before the theft took place. In this instance, I wonder whether reasonable care is being taken on many occasions.

It would seem to me that when we consider the fishing industry, where often many boats fitted with valuable equipment are moored side by side, it would be an insurance for the owners themselves to do something about protecting their equipment. Our Police Force is limited and cannot be expected to prevent all misdemeanours from taking place.

If boat owners see fit to leave these valuable items unattended for a considerable period of time, then I suggest that they invite some of the consequences that befall them. So I wonder whether the Legislature can do very much by extending the description of where a boat may be stolen from—and that is all this legislation does—or by adding preventatives by way of fines.

In the current report of the Commissioner of Police, tabled in this House on the 17th March this year, the commissioner, in reporting to the Minister said—

I must bring to notice the increase of crime in the State during the year and particularly the incidence of breaking and entering which rose from 4384 cases in 1967/68 to 6768 cases in 1968/69. It is some consolation to observe that there were 930 additional cases cleared in the period, but the task of the police is made very difficult by the inadequate precautions taken by the public to protect their property from a criminal element which has followed in the wake of industrial and commercial progress. This trend can be expected to continue—

and there is a warning there. To continue—

—and I make an appeal to all law abiding citizens to secure their property when absent and to co-operate with neighbours and assist the police by observing and reporting incidents where breaking and entering is suspected. The assistance of the public can be invaluable.

I do not intend to oppose the Bill, but I do believe that the second part of the legislation may not have the effect which is contemplated by the Government, because I think we are dealing with the wrong end of the animal. It is at the beginning we must start. We should begin with the prevention of misdemeanours and limit the opportunities for people to steal. Boat owners should be encouraged to take reasonable precautions with their assets, rather than say to the police, "You must find the person who stole my property; you must apprehend him, take him before the court, and get a judgment on my behalf." I believe that all the inconveniences which are caused can be attributed basically to the lack of control by the person who owns the boat.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.7 p.m.]: I appreciate Mr. Willesee's approach to this Bill, and I think we all agree with him that too often the general public is somewhat to blame for its own laxity in some stealing cases. In the case of boat stealing, I think there are some difficulties because there are thousands of boats on the Swan River at the moment and I just do not know how they can be locked up, anchored, or tied up to make it impossible for somebody to steal them.

The Hon. F. R. H. Lavery: We used to be able to do that in the 30s with a chain and lock.

The Hon. L. A. LOGAN: I think it is rather difficult for a man who has to keep his boat on a trailer in his front yard because there is no room in his back yard. Possibly, the theft of the trailer could be prevented by chaining one of the wheels, and placing a lock on it; but that would not necessarily prevent the theft of the boat. I do not know that there is much of that type of thing happening at the moment, but, of course, it could increase as indicated in the report.

One of the problems—and I think Mr. Willesee would agree with me—is that in the past when a person removed a boat from its mooring and took it somewhere else, and then a second person took the boat from that place, the second culprit could not be charged with any crime because he did not take the boat from its original place of mooring. This is one of the weaknesses in the present Act.

However, we appreciate the approach of Mr. Willesee. The warning given by the Commissioner of Police is undoubtedly a timely one and I think we should add to it by impressing upon the public whenever we get the opportunity that property should be safeguarded on all occasions to reduce the possibility of theft.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Amendment to section 81—

The Hon. W. F. WILLESEE: A very observant person sitting not very far from me has pointed out that the word "flat" appears in the amendment to section 81 of the principal Act. Could the Minister inform us what is the meaning of the word "flat" in this context?

The Hon. L. A. LOGAN: Many names are given to different boats; for example, we have a flat-bottomed punt, a flat-bottomed sailing boat, and all sorts of things. In effect, I do not know what it

means. It is probably the definition of a certain type of boat; that is all I know about it.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RECEIPT AND FIRST READING

1. Kewdale Lands Development Act Amendment Bill.

2. Education Act Amendment Bill, 1970.

Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

ANZAC DAY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th March. **THE HON. F. R. H. LAVERY** (South Metropolitan) [5.14 p.m.]: This Bill is really an amendment to section 10 of the parent Act. Of course, I do not agree that it is necessary at all, because I do not agree that Australian soldiers should be in Vietnam. However, they are there and I believe that because they are carrying out the same duties as other soldiers in the past have carried out when war has been declared by the Commonwealth; because they have the same responsibilities; and because they are laying down their lives, they are entitled to all the benefits on the Statute book applying to soldiers in any war.

The Anzac Day Act was first enacted in 1960, and was amended in 1964 for the purpose of defining the boundaries of jurisdiction. Originally, the Act was born of a desire on the part of a number of citizens who found that after the services of commemoration, and the march on Anzac Day, there was a flat period so far as the ex-servicemen and women and their friends and parents were concerned. The hotels were closed and it was thought desirable to introduce a measure in Parliament to provide for holiday entertainment for these ex-service people and their friends and relatives.

Various charges, such as a fee for a hotel special license, were made, and these fees have to be paid into the trust fund, which is administered by the Treasurer. Section 10 of the parent Act provides for the establishment of the trust fund and the disbursement of any profits after the deduction of administration charges. I would like to read subsection (3) of section 10 of the Act, which is the provision in question. It is as follows:—

The moneys standing to the credit of the Fund shall be charged with the cost of administering this Act, and

subject thereto shall be distributed each year by the Trust, with the approval and consent of the Treasurer, for the purposes of the preservation, alteration and improvement of existing homes and the erection and construction of new homes for aged ex-servicemen and ex-servicewomen and their maintenance in such homes and of the welfare of widows and children of deceased ex-servicemen, and among institutions, organisations and associations the object or one of the objects of which is the financial assistance and relief, or the amelioration of conditions, of persons—

- (a) who were members of the naval, military or air forces of Her Majesty or of the Commonwealth; or
- (b) now resident in the State who were members of any naval, military or air forces of any foreign power allied or associated with Her Majesty or with the Commonwealth,

during any war in which Her Majesty or the Commonwealth was or is engaged, or of the dependants of any such persons.

I emphasise the use of the words "any war."

To use the Minister's own words when introducing the Bill, it has been found desirable to amend the Anzac Day Act because the Anzac Day Trust may not, under existing provisions, grant financial assistance to ex-service personnel, or the dependants of ex-service personnel, who have served in the following areas:—

Operations in Malaya and Malaysia from June, 1950.

United Nations Operations in Korea from 26th June, 1950, to April, 1958, and

Operations in Vietnam from 1st July, 1962.

The statutory limitation, to which reference was made, is referred to in subsection (3) of section 10, which I have just read to the House.

The Bill will make it possible for the trust to bring under its jurisdiction personnel who have been occupied in the areas I have just mentioned, and their dependants. However, there is one part of the Minister's speech to which I wish to refer. The Bill provides for an extension of the coverage in subsection (3) of section 10 by adding after the word "engaged," in line 22, the passage, "or during any period while they were outside Australia and they were, or the body, contingent or detachment of the naval, military or air forces of which they were members or to which they were attached was, allotted for duty in a prescribed special area." The proposal will also cover the dependants of such persons.

The purpose of the amendment is to bring those persons engaged in a prescribed special area, and their dependants, under the jurisdiction of members of the trust.

The other amendment is to section 17 and this will ensure that the Governor is empowered to make regulations to facilitate the operation of the Act and of the trust. This amendment will permit the prescribing of the special areas mentioned in the previous amendment.

It was the late Prime Minister (The Hon. Harold Holt) who, in speaking in terms of the Vietnam commitment, said that Australia was, in fact, at war. Yet we all know, of course, that there was no declaration of war or no proclamation to that effect on the part of the Governor-General of Australia. As a result, the trustees of the fund have so far been unable to extend the benefits accruing in the fund to ex-servicemen who have been involved in the overseas conflicts in Malaya, Malaysia, Korea, and Vietnam, or to their dependants.

We of the Labor Party support this amending Bill; but, at the same time, we want to make it very clear that we are sorry such an amendment has to be brought to this House in view of the fact that war on North Vietnam has not been declared by the Commonwealth of Australia. We support the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a short measure under which it is proposed to liberalise the allowable earnings provisions in respect of retired mineworkers over the age of 60 years, or their dependants.

The Bill provides that until retired workers who are compulsorily retired from the mining industry on attainment of age 60 years or their dependants attain the age at which they would be entitled to apply for Commonwealth social service benefits, any earnings from available employment would not detrimentally affect the Coal Mine Workers' Pensions Fund resources.

The age at which a retired worker would be entitled to make application for a Commonwealth pension is 65, and for his female dependant the age is 60 years.

Section 10A of the Coal Mine Workers (Pensions) Act now restricts the amount of earnings of a retired worker or his dependant to an average amount of \$17 per week. Under the proposal now submitted, the earnings from employment will not in any way affect pension entitlement until such time as either the retired worker or his dependant, as the case may be, attains the age at which application must be made for a Commonwealth pension. I commend the Bill to members.

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

INTERPRETATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.28 p.m.]: I move—

That the Bill be now read a second time.

This brief measure adds a severability section to the Interpretation Act of 1918-1962.

When certain litigation challenging the validity of the receipt duty imposed under the Stamp Act was in prospect, Parliament, during the 1968 session, amended the Stamp Act to include what is commonly referred to as a severability section. The effect of such a section is to preserve the general validity and operation of an Act, notwithstanding that some part of it may be held by a court to be beyond the legislative power of the State.

On the other hand, the absence of such a section from legislation confronts a court with a difficult problem in the event of some part of an Act being found to be beyond power: that problem is to determine whether Parliament intended the remnant of the Act to continue in operation so far as it could. The value of the severability section in the Stamp Act was amply tested in the subsequent litigation. A disturbing feature of this process is that it was not until a challenge was, in fact, launched that the necessary steps were taken to protect the legislation in this way.

At the present time there is a quickening interest in the legal aspect of the constitutional relationship as existing between the Commonwealth and the States. I wonder whether the word "quickenings" is appropriate or whether I could use some other adjective or adjectives. As it is always possible that there will be further challenges in the High Court to the validity of State legislation, I consider it is desirable that State legislation should be protected as far as possible.

The most practical way to achieve this objective is to insert into the Interpretation Act, as is now proposed, an overriding severability section which will apply to all Statutes, and by this means we avoid the necessity to include this type of safeguard separately in legislation when being introduced in the House.

I think I should inform members that I am advised that provisions of this nature to cope with the possibility of constitutional challenges already exist in the legislation of both this and other States of the Commonwealth, and of the Commonwealth itself, where the legislation is of the type containing provisions that in their application to certain persons or things could be held to be beyond the legislative power of the Parliament that passed the legislation.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

HEALTH ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.32 p.m.]: I move—

That the Bill be now read a second time.

Despite the moderate size of this Bill, it deals with only two matters.

The first proposal concerns a most important function of local authorities. These authorities are charged by the Health Act with responsibility for maintaining the wholesomeness and purity of our food and drug supplies.

Officers of local authorities regularly sample foods offered for sale. These samples are examined by qualified analysts engaged by local authorities under an unofficial arrangement which has existed for some 30 years. Membership of the scheme is voluntary, but this is its weakness.

About half the local authorities in the State are members. These are the active bodies which take their responsibility to the public seriously. Others are content to accept the benefit of this activity without sharing its cost.

The scheme offers membership at an annual fee plus further charges for analytical work performed. It follows that the greater the membership, the lower will be the share of overhead costs charged to members.

Some time ago an approach was made to the Commissioner of Public Health by the present management committee, seeking the arrangement which is now presented in this Bill.

It is proposed that a committee of 10 will be established as a corporate body. Of the 10 members, five would be nominated by the major local authorities within the metropolitan area; three members

would be selected by the Minister to represent the other 20-odd metropolitan local authorities; and two further members to represent country interests.

This arrangement is considered reasonable and practicable having regard to the fact that most of the State's food is manufactured or distributed within 25 miles of the City of Perth, and over half of the State's population is domiciled in that area.

The committee could formulate its own scheme to provide analytical services. It could employ its own staff and set up a laboratory or it could conclude a contractual arrangement with a private firm such as that which operates at present.

It is hoped that all substantial local authorities will enter the scheme, and therefore ensure its success. If substantial local authorities do not enter the scheme then the Commissioner of Public Health may order them to join. This merely restates a power already exercisable by the commissioner.

The Bill also clothes the proposed committee with authority to regulate its proceedings and manage its affairs. Its financial affairs would be watched by the Auditor-General, and it would be required to report its activities to the Minister annually.

The second aim of this Bill, which I mentioned in my opening remarks, is covered by clauses 11 and 12. Briefly, the purpose is to provide that health inspectors will in future be referred to as health surveyors.

The professional organisation of health inspectors throughout Australia is the Institute of Health Surveyors. This organisation was first formed in New South Wales. Branches now exist in all States.

The term "health inspector" has been objected to on a number of grounds. One ground is that it tends to obstruct the setting up of good public relations. The inspector's role is increasingly concerned with education rather than strict policing of the law. This did not use to be the case.

Approaches have been made to the appropriate authorities in all States to adopt the title "health surveyor." This is already so in New South Wales. Victoria and Queensland have undertaken to make the change, and a sympathetic hearing has been given in South Australia and Tasmania.

It appears that the term will be adopted whether legislation is amended or not. Nevertheless its adoption will be accelerated and accepted more readily if the amendment is made.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL, 1970

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [5.36 p.m.]: I move—

That the Bill be now read a second time.

In brief, section 37A of the Metropolitan Region Town Planning Scheme Act provides for the acquisition of land by the Metropolitan Region Planning Authority where an improvement plan has been approved and for development and disposal of the land.

Administration of the section has shown that in special cases, such as the Kelmscott improvement plan No. 4, acquisition of the land may be unnecessary when owners are prepared to join with the authority in carrying out the objectives of the plan. However, subsection (4) of section 37A only empowers the authority to carry out works on land that it has acquired, and this Bill seeks to extend the provisions of the section to permit the authority to carry out works on land within the improvement plan but which it has not acquired.

Subject to suitable agreements with the owners regarding the sharing of costs, the authority would arrange as provided in paragraph (a) of subsection (4) for the construction of utility works, the provision of areas for recreation, etc., and provide the co-ordination necessary to protect the interests of the various owners. The amendment would give greater flexibility in the administration of the legislation and allow discretion regarding the need for the authority to acquire the land.

At present the majority of owners involved in the first stage of development planned for the Kelmscott improvement plan indicate their agreement to the proposal that they should retain ownership of their land and join with the authority in giving effect to the plan. Certainly the problems of finance and family trusts, etc., could be more easily handled if this were done. I am confident that a large part, if not all, of the Kelmscott improvement plan can be effected without the need for land to be acquired by the authority.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.39 p.m.]: I move—

That the Bill be now read a second time.

Members will appreciate that neither the surface nor underground water resources of the Metropolitan Water Board have unlimited capacity and, as these resources are being progressively harnessed, it becomes even more imperative now than previously to ensure the purity of the supplies of potable water. This Bill refers in particular to the measures now considered necessary to ensure purity of underground supplies required for future use.

The board at present uses a fairly substantial amount of artesian water and these sources of supply, which exist within the area controlled by the Metropolitan Water Board, are protected by the provisions in section 35 of the Act. But this protection relates to the drawing of water and has no regard for possible pollution of underground supplies generally.

Nevertheless, it is desired to define an artesian bore, and the definition now proposed is to be read in conjunction with a definition of "aquifer," and in association with a "pollution area" and "underground water"; they are self-explanatory and are considered necessary for the proper application of the provisions of the principal Act as proposed to be amended by this Bill.

Having mentioned that the board currently uses substantial quantities of deep artesian water, which is mixed with hills water, I would add that the water supply instrumentality responsible for metropolitan supplies is now preparing to make reasonably substantial use of water from shallower bores after treatment.

Consequently, it becomes absolutely essential to protect underground waters against pollution and that is the main purpose of this Bill.

The Bill does not provide for a blanket authority over the whole of the Metropolitan Water Supply area but will affect only such parts of this area as may be proclaimed from time to time. The parts presently envisaged as being affected by the passing of this legislation are located, in the main, in the presently undeveloped or sparsely developed land in the north and south of the Metropolitan Water Supply area.

The Bill provides the necessary strengthening of the Act, which is at present deficient in power to control pollution of underground water within the area concerned.

I would emphasise that the Bill is directed not at the supply of water, but to ensure that underground supplies are maintained in potable condition.

The Water Board may be expected to use this new power circumspectly but, in any event, the Bill provides a right of appeal to a local court, whose decision shall be final. For instance, while clause 6 of the Bill provides that notwithstanding the requirement of its by-laws,

the board may grant a person a dispensation from observance of any by-laws, the following clause, clause 7, provides others with a right of appeal to a local court against the refusal of the board to grant a dispensation from the observance of a by-law, or the terms and conditions, alteration or cancellation of any dispensation, or cancellation or alteration of such terms and conditions as have been applied.

By-laws may be made under the provisions contained in clause 5 for controlling, regulating, or prohibiting the placing or discharging onto or into the ground anything that is liable to affect directly or indirectly the purity of underground water as defined in this Bill.

I think we cannot stress too strongly the quite obvious need to take appropriate legislative action to prevent and control the pollution of waters required for our public supply, whether surface water or that obtained from underground, particularly as there are real physical limitations to the amount of water which can be harnessed under existing processes for reticulation throughout the area controlled by the Metropolitan Water Board.

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

PUBLIC EDUCATION ENDOWMENT ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.43 p.m.]: I move—

That the Bill be now read a second time.

Most members will, I think, be aware of the urgent problem facing an increasingly large number of students enrolled at teachers' colleges, the University, and the Institute of Technology, in the finding of suitable and economical accommodation in the metropolitan area.

This Bill is directed at making a contribution towards the resolving of this problem, which has been a cause of considerable concern to the Education Department in that it has been unable to provide boarding facilities, and, in particular, suitable facilities for country women students entering its teachers' colleges. In fact, such accommodation was once available at the Claremont Teachers' College but this facility has not operated over the past 40 years, as a result of which country students have, for many years past, been required to find their own accommodation. They receive financial assistance for this purpose, and currently at a rate of \$320 per annum.

Early this year 776 female students entered teachers' colleges in this State and, of that number, 237 were from country districts. There is no Government accommodation available for these trainees, and while flat and house sharing is

common it is considered that this leads to interruption of study, possibly poor dietary habit, and a likely lack of privacy, with perhaps some other related problems. These girls are, in most cases, in the 17-year-old group, having just left high school and, being away from home for the first time, would be better provided for if a stabilised home environment were available.

While these deficiencies are recognised by the department and the need for some remedial action is appreciated, the department has not been in a position to allocate the funds necessary for the provision of residential facilities for, of course, there is the continuing requirement to give priority to urgently needed classrooms.

However, with the recent subdivision and sale of trust land, the Public Education Endowment Trust has acquired a substantial sum of money and it has been suggested that this money be used to erect a hostel for women students and this on the site of the Mt. Lawley Teachers' College. This is a commendable suggestion but, unfortunately, there is some doubt whether the Public Education Endowment Act empowers the trustees to use funds for such a purpose. Crown law advice is to the effect that a Bill such as the one before members would be desirable in order to clarify the position.

As background to the establishment of the trust, I would mention that the principal Act, which was enacted in 1909, contains conditions similar to those embodied in the University Endowment Act of 1904. The Crown has, from time to time, vested in the trust certain lands throughout the State, including substantial areas in Cottesloe, two smaller ones in Fremantle, several sizeable areas in outer metropolitan regions such as Kalamunda, Mundaring, Swan View, and Parkerville, and also, some small areas in a number of country towns. There have been no significant grants of Crown land to the trustees in the past 50 years.

In fact, the lands held by the trust have been considerably reduced by excisions from trust reserves and revestings in the Minister for Education for school sites, playground areas, and teachers' housing.

Income derived from the leasing of its lands, and the investment of capital obtained from the sale of land, has not in recent years exceeded \$13,000. This income has to date been applied principally in the payment of scholarships and grants to students of indigent parents to enable them to continue at school to take Junior and post-Junior courses.

Consequent upon a recent subdivision and sale with parliamentary approval of a parcel of land at Cottesloe, the invested capital of the trust has greatly increased to a figure of \$369,000. So it is that, for the first time, the trustees are in a position to make some major contribution to public

education. They are prepared to provide between \$250,000 and \$300,000 towards the cost of erecting residential accommodation. There are legal problems, however, indicating doubts as to whether the trustees have power to use funds for the improvement of property other than that held in trust.

Accordingly, there appear to be two courses open to the trustees. One is to arrange for the vesting in the trust of that portion of the Mt. Lawley Teachers' College site, to which I have previously referred, and on which residential accommodation could be built. With the Governor's approval, trust funds could then be spent on the erection of the necessary buildings and other improvements. The other course is to amend the Act, as is now proposed, to give the trustees power to apply funds to the improvement of land vested in the Minister for Education.

There is little prospect, I would think, of the trustees ever having sufficient income to make more than a token contribution to the cost of carrying out the provisions of the Act relating to public education. Therefore, in these circumstances, it would seem more appropriate to pursue the latter course and permit proceeds from the sale of trust lands to be used on improving Education Department land.

Though the trustees have been constrained to obtain the approval of Parliament before disposing of any trust lands, that procedure has not always proved satisfactory because of the time factor, and in 1927 an amendment was passed which enabled trustees to dispose of trust land with the consent of the Governor.

I would mention in passing that the remaining land held by the trustees is considered not suitable for improvement for public education purposes, as most of the land which could be used by the Education Department has already been handed over to it.

It would seem that in the circumstances as at present existing, there could be no logical reason why it should not be made lawful for the trustees, with the consent of the Governor, to sell endowment land, provided that the proceeds of the sale are applied in accordance with the provisions of the Act. This would enable the hostel project to be proceeded with and it is proposed that the hostel will accommodate not only country women student teachers but also teachers attending in-service courses at the college during vacations. I commend the Bill to the House.

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

House adjourned at 5.50 p.m.