

Question thus passed.
Bill read a second time.

Committee Stage

MR O'NEIL (East Melville—Minister for Works) [2.33 a.m.]: I move—

That the Speaker do now leave the Chair, and the House resolve itself into a Committee of the Whole for the consideration of this Bill.

Question put and a division taken with the following result—

Ayes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Noes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Question thus passed.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

Clause 1: Short title and citation—

Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

House adjourned at 2.37 a.m. (Wednesday)

Legislative Council

Wednesday, the 3rd September, 1975

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

QUESTIONS (2): ON NOTICE

1. WATER SUPPLIES

Gascoyne Irrigation Scheme

The Hon. G. W. BERRY, to the Honorary Minister representing the Minister for Water Supplies:

What is the present position of the Commonwealth Government in regard to the funding of the Gascoyne Irrigation Groundwater Scheme?

The Hon. I. G. MEDCALF replied:

Contrary to early expressed intentions, the Prime Minister has informed the Premier by letter dated 15th August, 1975, that the Commonwealth Government will not be providing funds in the 1975/76 budget for the Gascoyne Irrigation Groundwater Scheme.

2.

ROAD SIGNS

Rural Areas

The Hon. G. E. MASTERS, to the Minister for Health representing the Minister for Transport:

- (1) Is the Minister aware that the Royal Automobile Club of W.A. (Inc.) is unable to continue with the provision of road signs in rural areas due to high construction and maintenance costs estimated by them to be \$20 000 this year?
- (2) In view of the importance of these road signs to rural areas, would the State Government be prepared to subsidise the Royal Automobile Club of W.A. (Inc.) to enable them to continue this service?
- (3) If the answer to (2) is "No" who will assume the responsibility for the road signs?

The Hon. N. E. BAXTER replied:

- (1) Yes.
- (2) and (3) The Main Roads Department already accepts responsibility for signs on main and controlled access roads and some important secondary roads and will continue to provide adequate signing. Local authorities are responsible on other roads and receive Government road grants which can be spent on road signs.

PHARMACY ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. N. E. Baxter (Minister for Health), and read a first time.

CHICKEN MEAT INDUSTRY COMMITTEE BILL

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Honorary Minister), and passed.

RADIATION SAFETY BILL

Third Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [4.45 p.m.]: I move—

That the Bill be now read a third time.

During the second reading debate on the Bill the Leader of the Opposition raised several queries. Amongst these was one in regard to micro-wave ovens, and the hon-

ourable member suggested a register should be kept of these and that it should be an offence to sell a micro-wave oven without a proper transfer.

The Leader of the Opposition said at the time, "Any fool can tamper with a gun and blow himself up". Personally I have never heard of this being done, unless a cannon or a similar type of gun was used. He said similarly, a person could tamper with a micro-wave oven without knowing whether he was doing the right thing.

That is so. Interference with a cut-out switch on a micro-wave oven which is operated by opening and closing the oven door, or interference with the door seal, is possible; however, this is unlikely and, of course, the oven would not blow up. That is the position, unless a person specifically sets out to do something to make the micro-wave oven risky and dangerous to use.

Even if a person did interfere with the cut-out switch or with the door seal, immediate death would not follow if there was any leakage. To cause serious harm a leakage would have to exist for an extended period before any ray could become effective or lethal. For a person to succumb to gamma ray a 500 roentgen dose would need to be received.

Notice of transfer would not, of course, obviate interference with an oven, whether or not this was done by the original owner who disposed of it, or by the new owner who purchased it. I thank the Leader of the Opposition for raising this point.

I have discussed the matter with the Commissioner of Public Health and instructions have been given for plates with a warning to be affixed to micro-wave ovens to ensure their safety. The Commissioner of Public Health agreed this was desirable and he said under the existing regulations it would be possible for that to be done. This would be a safety precaution, and would carry a warning regarding interference with such ovens.

If the warning notices are printed on cardboard or paper, these could get lost and not be passed over to the purchasers of the ovens. This could happen in rental premises where one tenant goes into a house after another has vacated it.

The Commissioner of Public Health has informed me that he will instruct the advisory council to insist on warning plates being affixed to micro-wave ovens, under the powers conferred by the existing regulations. I believe the suggestion of the Leader of the Opposition has done some good.

The honourable member also made reference to comparable legislation being introduced in the other States. At the time he asked whether the other States were introducing such legislation. The other States are not introducing similar legislation, but they are making some

moves in respect of this matter. I understand that the existing legislation in the other States is not as good as that in force in Western Australia.

The situation in the other States is not clear. Tasmania has had a Bill prepared for some time, but this has not yet been presented to Parliament. New South Wales is preparing a draft Bill. In Queensland amendments have been proposed, but they have not got very far. Victoria and South Australia are far behind; and nothing has been proposed in the Australian Capital Territory.

I know the Ministers of the other States fairly well, and if this Bill is passed and proclaimed I will send a copy of it to each of those Ministers for their guidance. I am sure they will appreciate receiving a copy. We make arrangements such as this between ourselves in order to help one another.

The Leader of the Opposition has suggested that an electrician should be appointed to the advisory council. There is provision in the Bill for a radiation engineer or electronics engineer to be appointed to the council. Both of these persons would be specialists who would have extensive experience and training in electricity. We do not see any necessity to appoint an electrician on the advisory council as we need more than an electrician to deal with this matter. Those are all the comments that were raised by the Leader of the Opposition in the second reading.

Question put and passed.

Bill read a third time and passed.

BILLS (4): THIRD READING

1. Weights and Measures Act Amendment Bill.

Bill read a third time, on motion by the Hon. V. J. Ferry, and passed.

2. Acts Amendment (Judicial Salaries and Pensions) Bill.

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

3. Railways Discontinuance and Land Revestment Bill.

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

4. Marketing of Barley Act Amendment Bill.

Bill read a third time, on motion by the Hon. I. G. Medcalf (Honorary Minister), and passed.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by the Hon. Lyla Elliott, for the further consideration of clause 3.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clause 3: Section 2 amended—

The Hon. LYLA ELLIOTT: Along with other members in this House I supported clause 3 during the Committee stage. I was not aware, at that time, of the overwhelming opposition by the public to the provisions contained in the clause. Since then I have received a letter from the Consumers' Association of Western Australia dated the 29th August, which is the date on which the Bill passed through the Committee stage in this place. I received the letter soon after, and I would now like to read it to members. It is as follows—

Dear Miss Elliott,

Last year a meeting was arranged by the Consumer Protection Bureau to gauge the feeling of consumer oriented organisations to possible amendments to the Door to Door Sales Act.

The general feeling of the meeting was that extended hours when door to door salesmen could approach the public in their homes were most undesirable. This was confirmed by a subsequent thorough canvassing of members of the individual organisations represented at the meeting.

In the amendments to the Door to Door Sales Act now before Parliament it would appear little consideration has been given to these views.

Members will be aware that the amendment to section 2 deals with interpretations and seeks to extend the hours during which salesmen can approach people in their own homes. It is intended to extend those hours from 5.30 p.m. until 8.00 p.m.

I am afraid I was remiss in not having more regard for the problems which such an extension would cause to people. My attention was drawn to the matter firstly by the Consumers' Association of Western Australia and, secondly, in a report which I have just received. The report sets out the result of a survey carried out by the Home-makers Service of the Department for Community Welfare.

The survey was conducted of 160 metropolitan households, and it related to door to door sales. The result revealed that four out of five householders did not like door to door salesmen calling at all. The important point is that nine out of 10 of those interviewed were against extending the hours during which door to door salesmen might be allowed to call.

If the survey reflected the general attitude of the community towards the extension of hours during which door to door salesmen are allowed to call, it is obvious the majority of the public do not support the provisions of clause 3 of the Bill.

I am not happy at the thought of salesmen calling, at the best of times; especially book salesmen. However, if they are to be allowed to call on people in their own homes severe restrictions should apply regarding their activities, and the times during which they can approach people. Personally, when I arrive home from work I do not want to be bothered with salesmen, and often high-pressure salesmen, trying to foist their products on me.

The Hon. G. C. MacKinnon: What would you want to substitute?

The Hon. LYLA ELLIOTT: I would like to move to delete the interpretation of "permitted hours" and then to substitute the interpretation appearing in the parent Act.

The Hon. G. C. MacKinnon: Thank you.

The Hon. LYLA ELLIOTT: When we have had such a clear indication of opposition from the public in regard to extending these hours, it would be wrong for us to pass the Bill in the form in which it has been presented. Possibly a reason for the proposal in the Bill is that many married women now work, and when a salesman calls during the daytime, no-one is at home. It is for this reason that salesmen would like to see the hours extended to 8.00 p.m. I believe this is undesirable for a number of reasons. When people arrive home from work they do not want to be bothered with salesmen. Wives are busy preparing the evening meal, children have to be prepared for bed, and families wish to relax after a day's work. If the Government is as concerned about consumers as it should be, it will observe the findings of the survey I mentioned.

I move an amendment—

Page 4—Delete the definition of "permitted hours" with a view to substituting the following—

"permitted hours" means

- (a) the period between the hours of half past eight o'clock in the forenoon and noon on any day other than a Sunday or public holiday; and
- (b) the period between the hours of noon and half past five o'clock in the afternoon on any day other than a Saturday, Sunday or public holiday.

In other words, I am moving to delete the new interpretation and to re-insert the hours as prescribed in the parent Act.

Progress

Progress reported and leave given to s/ again, on motion by the Hon. G. C. MacKinnon (Minister for Education).

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [5.07 p.m.]: I was pleased to note that the Hon. R. Thompson indicated the support of the Opposition for this Bill, with the exception, however, of clause 2. Nevertheless, I was pleased that all the other beneficial proposals in the Bill had met with the approval of the Opposition because generally speaking they improve the law and allow appeals in deserving cases where they should be allowed, with consequent benefit to those who appear at criminal trials; that is, both the accused and the Crown.

As the Leader of the Opposition supports the whole Bill with the exception of clause 2, I will restrict my comments to that clause. He made some statements about clause 2 which unfortunately do not stand up when we really examine them in the light of what the clause proposes to do. It is quite understandable that the Leader of the Opposition mistook what clause 2 was all about because it is a most complicated subject. He believed it had some connection with the submerged lands legislation or with the north-west gas. In fact, it has no connection whatever with either of those matters, and it was never intended to. It is for this reason that the provision appears in the Criminal Code, and it deals only with criminal offences committed either by Western Australians or against Western Australians while on the high seas. He mentioned that this was an ill-timed piece of legislation, but that is only correct if it is in fact—

The Hon. R. Thompson: That was my understanding.

The Hon. I. G. MEDCALF: Yes, and I appreciate that if the legislation is in fact connected with the north-west gas or submerged lands, the comments made by the Leader of the Opposition would have some substance. However, it has nothing to do with those matters; it deals merely with criminal law.

The Hon. R. Thompson: I raised the point about other countries—

The Hon. I. G. MEDCALF: I will come to that.

The Hon. R. Thompson: All right.

The Hon. I. G. MEDCALF: The Hon. R. Thompson said that if a decision were handed down in favour of the Commonwealth in the current High Court case, it would have some bearing on this measure and this legislation would have no effect. That is not so, and I would like to demonstrate the fact that the Bill deals only with the criminal law. I believe the member will agree with me because

the case before the High Court deals with the subject of sovereignty over the sea bed and the ownership of the land off the coast from low water mark outwards, and not with the question of criminal law. So therefore, if the appeal is upheld, as the Leader of the Opposition suggested it could be—

The Hon. R. Thompson: I corrected that; if the appeal is not upheld.

The Hon. I. G. MEDCALF: Could we say then if the High Court decision is in favour of the Commonwealth Government?

The Hon. R. Thompson: That is right.

The Hon. I. G. MEDCALF: The decision then will not make any difference to this particular measure, and its provisions will continue to operate because it deals with an entirely different subject—criminal offences committed on the high seas or under the sea off the coast of Western Australia.

The Leader of the Opposition asked why the distance of 100 miles was used, and he also asked whether other countries or States had legislation to cover similar, or any, distances. The question of whether other States prescribe distances depends upon the particular federation under which they are constituted. From a careful reading of the comments made by the Leader of the Opposition I take it he was saying that whereas other countries which are sovereign countries can in fact legislate beyond their boundaries, that does not apply to a place which has States in a federation.

The Hon. R. Thompson: I said that I did not know of any and we could not find any.

The Hon. I. G. MEDCALF: That is fair enough. I am not able to say directly about the distance over which any State can legislate. However, I would like to say that it depends on the particular kind of federation involved. For instance, the federation of the United States had States with sovereign powers, and in addition, they have their own national Parliaments—a quite different situation from that obtaining in Australia.

We cannot say that because some of the States of America legislated extraterritorially or exercised sovereignty over the sea bed, the same situation applies in Canada or Australia, or that it infers sovereignty. The second reason why the Leader of the Opposition does not have to consider the point is simply that we are not trying to give sovereignty to the State of Western Australia, we are not challenging sovereignty, we are merely extending the criminal law so that offenders may be dealt with on the high seas. It may be that someone in a diving suit is attempting to murder someone on or under the sea. I recall that some threats were made against divers

working on the *Gilt Dragon* a few years ago. Someone was attacked with a knife below the surface. Crimes of this sort will be covered with the legislation before us.

The Hon. D. K. Dans: It could be on an oil rig platform out at sea.

The Hon. I. G. MEDCALF: That may be one of the likely places, on an oil rig platform when people become rather bored. If there were a disturbance, the criminal law would contain the necessary provisions even though the offence is committed beyond the three-mile limit. The legislation will apply to an offence committed 12 miles, or perhaps 50 miles out, say on the continental shelf. It would still be necessary for the offence to have been committed by or against a Western Australian because there is no Commonwealth law to cover the situation. We are not claiming sovereignty, but we are saying that people should be covered by the Criminal Code and not by the Admiralty law of the United Kingdom. However, I doubt whether the Admiralty law would refer to oil rigs.

The Hon. R. Thompson: I accept your explanation.

The Hon. I. G. MEDCALF: For those reasons I feel the Leader of the Opposition may agree that there is really no substantial objection to clause 2.

The Hon. G. W. Berry: Does this conflict with the Admiralty Code?

The Hon. I. G. MEDCALF: No it does not conflict with the Admiralty Code. The present situation is that if we had to bring criminal proceedings against somebody on the high seas we would have to use Admiralty law which applies to the law of England and, accordingly, we would have to find some offence committed under the law of England, even though the offence takes place off the Western Australian coast. This could be absurd.

We are now seeking to apply the law of Western Australia so that the same law that applies within the State will apply to Western Australian citizens outside the State if such citizens suffer damage to their property on the high seas. I would only add that the figure of 100 miles chosen is merely a convenient figure.

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.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Second Reading

THE HON. D. W. COOLEY (North-East Metropolitan) [5.20 p.m.]: I move—

That the Bill be now read a second time.

The first Long Service Leave Act for workers in private industry came into operation by proclamation on the 24th December, 1958. Its principal purpose was to provide workers employed in private industry in Western Australia not covered by award conditions who completed 20 years continuous service with one employer, or where an employer's business was transferred to another employer, with 13 weeks leave on full pay.

Contained in the original Act were the following two conditions which entitled a worker to *pro rata* payments based on his length of service—

1. Upon the termination of his service for any cause other than by his employer for serious misconduct, after he had completed 15 years' continuous service or 75% of his qualifying period for full leave.
2. After the completion of 10 years' service entitlement to *pro rata* payments became absolute—
 - (a) upon the death of the worker to his dependants or next of kin;
 - (b) if his services were terminated by his employer for any reason other than serious misconduct;
 - (c) if he terminated his employment on account of sickness, injury, or domestic, or other pressing necessity.

Disputes with respect to sickness, injury, and domestic or pressing necessity are resolved by a Board of Reference.

Members will note that in respect to the 10-year service condition, a worker had no entitlement if he terminated his service on his own will and accord. This condition still obtains.

It has become, over time, a very vexed question for boards of reference to interpret domestic or pressing necessity when a dispute arises in respect of the justification of a worker's termination. In fact, workers in some instances have been hard put to prove either to their employer or the board of reference that sickness or injury have caused termination.

In my personal experience as a member of the board, workers have been denied justice because of the technicalities associated with varied interpretations of this part of the Act.

I will recall the case of a lady who after 10 years continuous service with the same employer was denied her *pro rata* payments. She left her employment because she wanted to return to Scotland for the purpose of nursing an aged and ailing mother through her declining years.

While this lady's case had the full sympathy of the board, she could not establish that to join her mother was a pressing

or domestic necessity. She desperately wanted to stay in Australia and to continue in her employment, but chose to be with her mother out of loyalty.

I use this case as an example, but honourable members may be assured that many other workers have lost hard earned entitlements because of their inability to justify the reasons for termination to either their employers or the board of reference due to the legal technicalities to which I have referred.

In 1964, an amendment to the principal Act reduced the qualifying period of entitlement to leave by five years to 15 years. However, the amending legislation of that year did not disturb the *pro rata* provisions of the Act. So now we find that a worker has to complete a full qualifying period before he is entitled to *pro rata* payments under any circumstances of termination of employment, where under the original Act he had only to complete 75 per cent of that period.

With respect to the other question of entitlement, the ratio altered from 50 per cent to 66½ per cent.

Due to the retrospective provisions of the 1958 Act, which went back 20 years, this was perhaps a fair and reasonable condition as employers had no opportunity to provide for long service leave contingencies in the preceding years.

Even at the time of the 1964 amendments—six years after the coming into operation of the Act—it could truly be argued that full provisions could not have been made to make *pro rata* payments available to workers who left their employment with 10 years' continuous service or more.

However, in this year of 1975 different circumstances prevail. Employers would have had ample time to provide for *pro rata* long service leave contingencies for all workers who were employed in this 17-year period from 1958.

During this time, the costs of long service leave commitments would no doubt be taken into account by employers and manufacturers when setting a price on the goods they produced or services provided.

The injustice of the present Act must be obvious to everybody who understands the conditions of entitlement in respect of *pro rata* payments. Firstly, a worker has no right to this type of payment at all if he has not completed 10 years' continuous service. Secondly, his entitlement to payment is severely limited even if he has attained between 10 and 15 years' continuous service.

I am sure that all fair-minded people would agree that after an employee has completed a reasonable period of service with an employer, and his service is terminated for any reason other than serious misconduct, he should be entitled to payment in order to recognise his length of

service. This would enable him to enjoy at least in part the leave that will be denied him for a long period of time after his termination—at least 15 years under the present legislation.

It can be truly said that under the present provisions of the legislation the sums set aside on a worker's behalf by an employer which have been costed into the price of goods, etc. produced, become a bonus to the employer.

For a long period of time, Governments have by consent regarded seven years as a sufficient period of service to qualify for long service leave under the conditions of employment for a large number of employees in the Public Service, Government instrumentalities, etc. To agree that *pro rata* payments should be made after five years service in private industry would therefore not be inconsistent with any Government's policy, regardless of its political beliefs.

The regulations governing long service leave conditions for wages employees of the State Government and semi-government bodies has a minimum qualifying period for *pro rata* payments of three years. It also provides that if an employee—

(a) resigns because of ill health or the result of an accident,

(b) resigns after reaching the age of sixty years, or

(c) dies,

the minimum period is reduced to twelve months.

Compared with the Government conditions, the proposals contained in this Bill are indeed most modest and should be unanimously endorsed by all members.

These proposals to shorten the period of qualifying service for the entitlement of payment of *pro rata* long service leave from 10 to five years are in accordance with modern concepts and should be agreed to by this Parliament.

Clause 2 of the Bill seeks to amend subsection (1)(a) of section 6 of the Act to provide that for any period a worker may be incapacitated as a consequence of a work-caused injury or sickness, that period will be regarded as service in calculating his qualifying period. This would be in lieu of the 15 days in any one year currently provided for.

Here again, due to the meagre benefit payments under the Workers' Compensation Act at that time, a restrictive period such as provided for in the Long Service Leave Act may have been justifiable when it was promulgated in 1958.

Members are reminded, however, that in 1973 this House made a very significant change in workers' compensation entitlements. It legislated for workers to receive full pay during periods of incapacity brought about by work-caused injury or illness.

There can be no argument that under this condition a worker is fully employed while on compensation and his continuity of service so far as long service leave entitlement is concerned should not be disturbed because he was unfortunate enough to meet with an accident or has had a sickness which arose out of the course of his employment.

It is significant to note that long service leave conditions in Western Australia for wages employees of all Government departments and semi-Government bodies provide that service shall be deemed to include absence of an employee—

(a) on paid sick leave,

(b) on workers' compensation for any period not exceeding six months or for such greater period as the Minister for Labour may allow.

These conditions have prevailed for many years and no Government has had cause to complain about them or seek to amend them.

There seems very little justice in the fact that under private-industry conditions an absence from work is not regarded as service when such accident could be caused by the negligence of an employer—for instance, lack of adequate safeguards on machinery. To deny a person a right of continuity of service after 15 days as a result of an accident of this nature is far from equitable.

It is also possible that such an absence could be caused by the negligence of a work-mate who would, if he remained in the employment of the employer, be accumulating long service leave credit while the victim of his negligence was being denied such credit beyond 15 days.

After all, the criterion for entitlement to payment of workers' compensation is proof that the injury or sickness arose out of the employment.

Clause 3 is designed to enable a worker to become entitled to *pro rata* payment for long service leave on termination of service under any circumstances other than dismissal for serious misconduct upon the completion of five years' continuous service.

The principles contained in these two amendments are not without precedent in respect of the Acts of other States of Australia. The South Australian legislation has amended its Acts to provide for similar conditions.

Finally, neither of the amendments will make any additional charge on industry. As has already been explained, provisions are invariably made for long service leave contingencies. They will remove any doubts in respect to entitlement and obviate long hearings on questions of interpretation, particularly in regard to the matter of proving sickness or domestic or pressing necessities. At the same time,

they will afford equity and justice to workers who have given loyal and dedicated service to their employers.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. C. MacKinnon (Minister for Education).

BUILDERS REGISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [5.32 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the provisions of the Builders Registration Act to correct several anomalies which have become apparent; to increase penalties in some instances, and to introduce a number of new provisions including new grounds for registration, stricter control over certain registered builders, and one designed to lessen the incidence of frivolous complaints.

The various amendments incorporated in the Bill result from submissions by the Builders Registration Board, the Commissioner of Consumer Affairs, the Master Builders Association, and the Housing Industry Association.

Section (4) (1) of the principal Act is to be amended to clarify that a builder who is not registered may only construct a single storey building consisting of a house or duplex. The Act at present does not make this clear, as it refers to a dwelling house, which may consist of, say, a basement, ground floor and one or more floors above, and in the case of the duplex it refers to "on ground level" which is of indefinite interpretation. Experience discloses that when an unqualified person attempts such projects, there is every likelihood that the completed structure will be defective. It is also proposed to increase the penalty provided in section 4 for unregistered builders carrying on business as a builder from a maximum of \$200 to a maximum of \$1 000.

Section 4A of the principal Act makes it unlawful in certain circumstances for a local authority to issue building permits to unregistered persons.

This section is to be amended accordingly to mirror the previously explained amendment as affecting an unregistered builder erecting a house greater than a single storey.

A further amendment is designed to clarify another anomaly. The existing subsection (2) of section 4A provides for a penalty where a person, in order to obtain a building license, makes a fraudulent declaration to a local authority relating to the fee or charge payable or qualifications or right of exemption from

registration. The Act presently does not require a statement of the value of the building to be erected, which information is necessary to ensure that the legislation is not being breached. The re-drafted subsection (2) corrects this omission.

It is also proposed to increase the present penalty from \$400 to \$1 000 for the sale of a house by an unregistered builder, within 18 months of the issue of the building permit. In practice the Builders Registration Board has found that the \$400 fine provided in the Act is an inadequate penalty, as a number of offenders have been regularly charged under this section which could well indicate that the fine of \$400 is in some cases being regarded as business expense, and added to the sale price of the house. With the fine being increased to \$1 000 it should be more difficult for unregistered builders to pass the penalty on.

Clause 5 provides a new section designed to clarify the definition of the term "single storey".

A further amendment was introduced during Committee in another place. This was in relation to the registration of architects and engineers without the necessity of completing the prescribed course of training and passing the prescribed examinations.

The new provisions to be inserted into the parent Act ensure that such applicant for registration must, in future, satisfy the board that he has had five years' experience in supervising building construction, or in assisting in the supervision of building construction. These requirements were, I understand, sought by the board.

This amending measure introduces two new grounds for registration as a builder. The first of these provides that a person who has had five years' practical experience in the work of building construction and has obtained corporate membership of the Australian Institute of Building, can become registered on application.

It is recognised throughout the industry that the qualifications to permit corporate membership of the Australian Institute of Building are of a higher standard than the examinations conducted by the Builders Registration Board. The other new ground for qualification is to cater for the person who has had five years' experience as a manager or supervisor. The proviso here is that such a person would still have to further satisfy the board that he is competent to carry out building work.

The subsections of the Act to be repealed by clause 7 (b) are no longer relevant as they refer to the entitlement of "B"-class and unregistered builders operating prior to the Builders Registration Act

Amendment Act of 1961 coming into operation to apply for registration within three months of the operative date of the aforementioned Act.

It is proposed to modify section 10 (4) by deleting the reference to the name of the builder and class of registration on works signs. The class of registration is no longer relevant, and it is considered that there is no need to make an obligation that a builder's name appear on a sign. It is sufficient identification, as far as the board is concerned, to have the registered number.

Clauses 8 and 9 are complementary to the amendment in regard to partnerships and companies both in respect of signs on work sites and in advertisements.

A new section, number 10CA, is to be added to provide further control over the practice of companies and partnerships employing registered builders in a nominal capacity only, colloquially called "stooge builders".

Cases have occurred where a building company employed one registered builder and it has had under construction so many houses that it would be physically impossible for that builder to spend adequate time on each site in the course of a working week. This practice appears to lead to substandard workmanship, and is a ground for many complaints to the board. It is therefore proposed that the requirement for the management and supervision of any building work prescribed by section 10B and section 10C of the principal Act shall not have been complied with unless it can be shown that the management and supervision was sufficient to ensure that the whole of the building work was carried out in a proficient and workmanlike manner.

Clause 11 (a) introduces a new area of consumer protection. Previously, when an unregistered builder erected a house which was defective, the person who contracted with that unregistered builder would have no recourse against him to have the defects made good. The new section is designed to overcome this problem by providing the board with the authority to order the unregistered builder to make good faulty or unsatisfactory work or, alternatively, to pay to the owner such costs of remedying the faulty or unsatisfactory work as the board considers reasonable.

Clause 11 (b) is to grant, in cases mentioned, the right of the unregistered builder to appeal to the Local Court when he is given such an order; in other words, to place him in a position equal to a registered builder in this respect.

The complementary amendment which follows introduces a new section, number 12B, which is designed to obviate an undesirable practice which occurs at present. There have been cases where it appears that home owners have made complaints against builders' workmanship for the sole purpose of deferring payment of the sum due to the builder on the expiration of the

maintenance period. It is desirable to lessen the incidence of this practice by incorporating a new provision which will require a person making a frivolous complaint to pay the cost of the subsequent investigation.

Clause 13 introduces a new section, number 12C, which provides that a builder may request the board to assess the building work performed by him. This is in an attempt to prevent the situation developing where the owner complains to the builder that the house is unsatisfactory, and refuses to settle the maintenance sum due to the builder, but will not make a complaint to the Builders Registration Board. In such cases it is considered reasonable that the builder has the right to ask the board to assess the workmanship of the house in an endeavour to settle the dispute between himself and the owner.

Members will note that there is no compulsion attached to this provision. Nevertheless, it is considered that the availability of this course of action may assist in bringing the parties to a point of reconciliation of their differences should a third party such as a Builders Registration Board inspector examine the work critically and give a decision as to the quality and standard of workmanship.

The next amendment introduces two new provisions. The first is a consequential amendment following the new subsection regarding supervision by registered builders, and provides that inadequate supervision will be grounds for cancellation of registration. The clause also provides that cancellation can take place if the builder misrepresents to a client the conditions under which finance or the terms or charges therefore are available.

Likewise, if a builder misrepresents the conditions relating to the purchase of land on which building work has been carried out, his registration may be cancelled. This amendment is proposed because of the number of cases where there have been complaints to the Commissioner of Consumer Affairs regarding misrepresentation, and it has not been possible to take any worth-while action under the Consumer Protection Act against the offender.

Clause 15 amends section 22 of the Act by deleting the statutory upper limits of the fees for examination, registration, certificates, etc. that may be fixed by the board with the approval of the Governor. In future these fees may be set at sufficient level to enable it to raise adequate funds to meet its operating costs. The board has given an assurance that under no circumstances will they be set higher than that necessary for the board to meet its legitimate running expenses.

Debate adjourned, on motion by the Hon. R. F. Cloughton.

STATE HOUSING DEATH BENEFIT SCHEME ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.41 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the State Housing Death Benefit Scheme Act, 1965, with a view to extending the flow-on of the benefits to purchasers being assisted under the Housing Agreement (Commonwealth and State) Act, 1973, and such future agreements, of similar intent, between the Commonwealth and the State as are approved and ratified from time to time.

The State Housing Death Benefit Scheme Act, 1965, provides for assistance to widows and families by means of a reduction of the liability due to the commission on dwellings subject to purchase conditions at the date of a breadwinner's death.

The scale of benefit is determined by the age of the breadwinner at the date of death as follows—

	\$
(i) does not exceed 35 years	1 000
(ii) exceeds 35 years but does not exceed 45 years ..	800
(iii) exceeds 45 years but does not exceed 55 years ..	600
(iv) exceeds 55 years but does not exceed 65 years ..	400
(v) exceeds 65 years	nil

In addition, a benefit of \$100 is allowed for every dependent child under the age of 16 years.

As it stands, the Act provides for application of the scheme to purchase activities administered under the State Housing Act and various agreements which have been approved as between the Commonwealth and the State, but does not include the Housing Agreement (Commonwealth and State) Act, 1973.

I commend the Bill to the House.

THE HON. S. J. DELLAR (Lower North) [5.43 p.m.]: This Bill which seeks to amend the State Housing Death Benefits Scheme Act, 1965, is only small but its purpose is to bring consequential benefits to certain people in the community who have purchased homes under the principal Act. The benefits that accrue under the Housing Agreement (Commonwealth and State) Act, 1973, do not apply to those people who come under the State Housing Death Benefits Scheme Act, and the purpose of this measure is to provide a flow-on of the benefits provided under the Housing Agreement (Commonwealth and State) Act.

I do not have a great deal of comment to make on the Bill, because it has been debated in another place, but I feel it is worth repeating that for the past 18 months or two years this State and other States have introduced amendments to various Acts to increase the penalties provided in them to bring them more into line with present-day values. The excuse of inflation, and similar excuses, have been made to support such increases. I therefore feel that as this Act has been in operation since 1965—a period of 10 years—perhaps the Government may have given some consideration at this stage towards reviewing the benefits payable to people who come under the State Housing Death Benefits Scheme Act.

I mention that in passing, because I am sure the Minister can give the House an answer as to whether or not this was considered, as I feel that some consideration of this question is justified.

The only other comment I wish to make—and this point was also raised in another place—is that in his second reading speech the Minister lists the scale of benefits to be provided under the Bill, which benefits are determined by the age of the breadwinner at the date of death. The Minister then went on to state that in addition a benefit of \$100 will be allowed for every dependent child under the age of 16 years. If the Minister follows what I am saying he will probably be able to give me an answer without any further delay.

Under section 7 (2) (d) of the parent Act the benefit applicable is £100. I believe that the Minister's notes should have indicated that the benefit will remain at that figure, or \$200. If the Minister could indicate that the benefit of \$200 will apply in future, we have no opposition to the Bill.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.46 p.m.]: I thank Mr Dellar for bringing the matter to my attention. I certainly believe that the intention is that the benefit will remain the same. To the best of my knowledge all these matters were amended to change pounds to dollars. However, I will have time to check the situation and give an answer at the third reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Sitting suspended from 5.48 to 7.30 p.m.

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

THE HON. T. O. PERRY (Lower Central) [7.30 p.m.]: I rise to comment on this amending legislation. As a matter of fact, I wish to voice my disapproval of the parent Act. Clause 23 proposes to amend section 20 of the principal Act, and subparagraph (vii) of paragraph (b) will empower a wildlife officer to enter a backyard, courtyard or garden of any private property if on reasonable grounds the wildlife officer suspects that an offence against this Act or regulations has been committed.

I believe that, already, fauna wardens have far too much power when it comes to searching private property. For instance, a police officer who has had years of training in the interpretation of law must acquire a search warrant before he may enter private property when he suspects that stock or goods have been stolen and are on that property.

However, a fauna warden, now to be called a wildlife officer, who may have very little training and experience has the right without a search warrant to enter private property and search. The section of which I have spoken will increase the power of the wildlife officer to enter the backyard, courtyard, or garden of any private property.

I recall the experience of a friend of mine who two years ago, was fishing for perch in the river. A fauna warden came on the scene and accused him of fishing for marron out of season. The warden searched my friend's car, took his possessions out of the car, and threw the spare tyre and tools on the ground and when he could not find any marron, drove off and left my friend's possessions lying on the ground.

Mr Deputy President, I do not know how you would feel if somebody accused you of having marron in your car, and searched your car in this manner. But the warden claimed he had reasonable grounds to suspect that this man was fishing for marron out of season.

The Hon. G. W. Berry: Would he not be required to replace the man's possessions?

The Hon. T. O. PERRY: He did not do so; he just drove off and left him.

The Hon. G. C. MacKinnon: What did the man do?

The Hon. T. O. PERRY: He did not do anything at the time because he was so flabbergasted. When he spoke to me a week later, it was too late.

The Hon. G. C. MacKinnon: Why did he not take action?

The Hon. T. O. PERRY: I am just telling the Minister what happened.

The Hon. G. C. MacKinnon: Where did this occur?

The Hon. T. O. PERRY: It occurred at the Arthur Bridge over the Arthur River, on the Collie-Wagin road.

I have been told by a fauna warden that, if he has reasonable grounds, he has a right to confiscate my firearms. I take a very dim view of that. If he believes I am using my firearms for unreasonable purposes, he claims he has the power to confiscate them. I have one firearm which is valued at well over \$300; the telescopic sight alone is worth over \$100. I polish it and treat it with loving care, and if a fauna warden thinks he can confiscate it and drive off with my firearm in his boot, he has another think coming!

The Hon. A. A. Lewis: Would you line him up through the telescopic sight?

The Hon. T. O. PERRY: I do not intend to shoot anybody; I will just ensure that he does not take possession of my firearms. I run a property of 1 900 acres which is adjacent to State forests and, 24 hours a day, emus cross my property. Emus are protected in the area where I live. However, if I shoot at a fox which is running across my property, and the warden says he has reasonable grounds to suspect I was shooting at an emu—

The Hon. A. A. Lewis: Especially if you hit the emu!

The Hon. T. O. PERRY: —he can confiscate my firearm. But a police officer who has years of training must take out a search warrant to come onto my property to confiscate my firearms.

I have been involved with quite a bit of controversy with fauna wardens in my area. Under the present Act, farmers with kangaroo problems can apply for a destruction permit. The first time I applied for such a permit, and asked for tags so that I could tag the carcasses and sell them to the pet meat shops, the fauna warden issuing the permit insisted that he nominate the shooters. In my area, we have part-time professional shooters. But the professionals he spoke of consisted of a tailor, a Collie miner, and a carrier in Collie who had registered as part-time shooters.

The Hon. G. C. MacKinnon: I know of one pretty good shot standing on his feet in this House who could be classed as a professional, but they would say he was a politician.

The Hon. T. O. PERRY: That is a fair comment.

The Hon. G. W. Berry: Why could you not shoot them?

The Hon. T. O. PERRY: The warden insisted on nominating the shooter. I happen to have an Angus stud bull on my property and although cattle are not worth much today, nobody shoots on my property unless I am around. After that argument, I ended up with the Minister and Mr Shugg and eventually we ironed the problem out and I was able to nominate the shooter who, in fact, is married to one of the Minister's relatives.

The Hon. G. C. MacKinnon: I know him; that is the trouble with the south-west.

The Hon. T. O. PERRY: We shot 160 kangaroos, and overcame the problem. Unfortunately, as has happened with many other law enforcement officers, a little power has gone to their heads and they start throwing their weight around. I do not mind when I am confronted by a policeman who has spent years and years studying and training; however, a matter of hours after these wardens are appointed they start throwing their weight around.

Another problem occurred in the area Mr Lewis represents, where a farmer wanted to engage another farmer's son to do the shooting on his property, and the fauna warden refused to put his name on the permit. He appealed to me and, fortunately, my own experience had taught me what to do. I immediately went to Mr Shugg and ironed things out to the satisfaction of the farmer. I know that the fauna warden was upset about it, because he had his wings clipped; he did not have as much power as he thought he had.

The Hon. D. K. Dans: Was the fauna warden a good shot?

The Hon. T. O. PERRY: Speaking of fauna wardens who are good shots, I know of a fauna warden who went out one night on another farmer's property, shooting kangaroos. His name was not on any destruction permit, and the farmer whose property was crossed was not consulted. What right has a fauna warden to go out at night spotlighting in this way? The farmer had no kangaroo problem on his property and had not applied for a destruction permit. Can the Minister handling the Bill explain to me what right the warden has to go out with part-time professional shooters and shoot on private property? I was told this story by the fauna warden himself.

The Hon. G. C. MacKinnon: But that is purely circumstantial; you are quoting evidence you have not verified for yourself. Nobody here can accept that.

The Hon. T. O. PERRY: Mr Deputy President, I am quoting the evidence of the fauna warden himself; I assumed I could trust him, because these men hold trustworthy positions. When the fauna warden tells me he has gone out with his rifle and telescopic sight and has used that rifle on another farmer's property, without the farmer's permission, and can refer to certain geographical features of the area, I can only assume he is telling the truth.

The Hon. G. C. MacKinnon: He was pulling your leg.

The Hon. T. O. PERRY: If he was pulling my leg, let me say that if I catch him shooting on my property I will pull his nose, regardless of the consequences.

I believe a fauna warden should be required to obtain a search warrant in the same manner as members of the Police

Force. I realise that in cases where animals are tied up, starving or neglected, and the owner of the property is unavailable, it is reasonable in the interests of the animals for the fauna warden to go onto the property to make a search. However, when it is possible to contact the owner, the fauna warden should have no right to conduct a search without a search warrant.

With those few words, I wish to make it clear that I intend to vote against the clause which will give the wildlife officer greater power than he already has.

THE HON. G. W. BERRY (Lower North) [7.42 p.m.]: I rise to support the Bill; however, I should like to make a few comments on the proposed change in nomenclature. The title of the Act is to be changed to the "Wildlife Conservation Act," but I notice the exercise of changing "fauna" to "wildlife" has not been carried out through the Bill, and I should like the Minister to clear up this point for me. Clause 4 (g) states, in part—

pursuant to the provisions of paragraph (g) of subsection (1) of section twenty-nine of the Land Act, 1933, for the conservation of indigenous flora or fauna; ;

In addition, clause 6 (b) (i) states, in part—

and substituting the passage "Fauna Conservation Act Amendment Act, 1975,";

On page 8, line 15 states—

native fauna of the State and one . . .

Why has that not been changed to "wildlife"? Why is there inconsistency throughout the Bill?

The Hon. G. C. MacKinnon: I will tell you.

The Hon. G. W. BERRY: In clause 8 (a) (i) and (ii) we find—

(i) by inserting after the word "fauna", in line five of that subsection, the words "and of the indigenous flora";

(ii) by inserting after the word "fauna", in line six, the words "or flora"; and

Again, on page 9, in clause 9 (a) and (b) we find—

(a) as to subsection (1), by inserting after the word "fauna", in line four, the words "or of indigenous flora"; and

(b) as to subsection (2), by inserting after the word "fauna", in line three of that subsection, the words "or of indigenous flora".

If we are seeking to amend the Act to alter the word "fauna" to "wildlife" I do not know why we cannot be consistent right throughout the Bill. The word "fauna" also appears in clause 18 (b) on page 13.

The Hon. G. C. MacKinnon: I think you have cited sufficient examples.

The Hon. G. W. BERRY: Very well. Also I cannot find any explanation for paragraph (d) of clause 15, which appears on page 11 of the Bill, as follows—

(d) by adding a new subsection as follows—

(2) A person shall not directly or indirectly purport to describe any area of land as a wildlife sanctuary unless he is permitted to do so pursuant to an agreement entered into under this section.

Penalty: Two hundred dollars.

I cannot see why a person has to obtain a permit to describe a wildlife sanctuary. No doubt valid reasons can be advanced for this provision, but I cannot find them in the Minister's second reading speech. Also I cannot find any reason for a penalty of \$200 to be prescribed.

Paragraph (c) of clause 17 seeks to add two new paragraphs after paragraph (b) of subsection (2) of section 15 and it deals with the cancellation or suspension of a license. This no doubt refers to professional shooters who are granted a license under the red kangaroo management programme. I wish to make reference to the system we originally instituted whereby we issued licenses to professional kangaroo shooters to give them sufficient incentive to conduct their business as full-time professional kangaroo shooters.

I wonder how many of the shooters we originally licensed now operate as full-time kangaroo shooters? I feel that somewhere along the line the original scheme under which men were permanently occupied in this industry seems to have failed, because kangaroo shooters have apparently obtained other employment on sheep stations or elsewhere. As far as I can ascertain kangaroo shooting now is only a part-time operation. I therefore wonder whether the original red kangaroo management programme should not be reviewed to ascertain if we could introduce a more suitable scheme, or give professional kangaroo shooters greater security to keep them occupied full time or, alternatively, to subsidise them as part-time shooters in order to supplement their income.

I also ask: Is the red kangaroo advisory committee functioning successfully? Is agreement being reached among the members of that committee in advising the Minister on that management programme?

The Hon. G. C. MacKinnon: Yes.

The Hon. G. W. BERRY: Mr Perry queried the power of a warden to enter not only a person's premises but also the surrounds of the property. No-one who has anything to hide would object to a warden entering his premises to conduct an inspection, but I believe that sometimes such officers become a little enthusiastic and

drunk with power. I can bring to mind a case in point where a person had a number of kangaroos on his property, and a Government officer who was making a visit informed him that he did not have enough kangaroos on his property. The owner of this property was concerned with running sheep and not kangaroos, and I do not think it is incumbent upon such an officer to issue to him an instruction that he should permit more kangaroos on his property when the owner is keen to limit the number of kangaroos on his land.

A warden is empowered to destroy the skin or carcase of any fauna which has no tag attached, but I do not think he has any right to walk off with the damaged carcase. In such an instance I think the warden should have told the owner of the property what he intended to do. This case was brought to my notice by a person whose word I have no reason to doubt.

I think that sometimes a warden becomes over enthusiastic in exercising his duties under the relevant Act which governs the operations, and a little more restraint should be exercised, especially when such an officer considers he has grounds to apprehend a person or to search that person's premises. If a little more restraint were shown on the part of the officer I am sure he would get more co-operation from everybody concerned. I support the Bill.

THE HON. S. J. DELLAR (Lower North) [7.52 p.m.]: I support the Bill with some reservations. The Hon. Lyla Elliott referred to the clause dealing with an officer who is to be given wider powers to enter premises without a search warrant, and therefore I will not go over that ground again.

However, one point that probably requires some clarification by the Minister when he replies to the debate is that in the Bill "wildlife officer" is used quite frequently, and several clauses have as their object to delete the word "fauna" and substitute the word "wildlife". Nowhere in the parent Act or in the Bill can I find anything which defines "wildlife", and perhaps the Minister could explain this.

As members would be well aware, Mr Berry has been very interested in the red kangaroo management programme. They would also be aware that the Australian Government imposed a ban on the export of red kangaroo products, but recently a joint statement was made by the Minister for the Environment and Conservation, and the Minister for Customs and Excise indicating that the Australian Government had announced a partial relaxation of the export ban on kangaroo skins and products. I do not have the date of this announcement, but I did receive it in the last couple of weeks. Nevertheless, for the information of the House I will quote the following—

The Ministers said that, so far, two States—New South Wales and South Australia—had implemented programmes which complied fully with the recommendations of the Australian and State Governments' working party on kangaroo conservation.

Further down in this document the following appears—

The Ministers said the export prohibition would remain on the two non-complying States—Queensland and Western Australia—until those States introduced approved conservation programmes. They said the Australian Government was anxious that Queensland and Western Australia should comply.

If we look at the Minister's speech which is reported on page 2262 of the current *Hansard* it will be found that he made the following reference—

Other amendments of importance to the proper administration of the Act, but of little direct effect on the public include—

- (1) facilitation of proof of identity of an accused person in court;
- (2) strengthening of tagging system to prohibit the unlawful removal of tags from carcases;
- (3) defining a part of a skin or carcase of a kangaroo as "fauna"; and

So I ask the Minister whether, in fact, the amendments in the Bill will bring forward a system in Western Australia which will meet the required standards set down by the Australian Government and by the joint committees established in the various States and, whether in fact, the amendment in the Bill will allow the ban on the export of kangaroo products from Western Australia to be lifted so that the industry can return to the status it enjoyed previously.

Mr Berry has said that many professional kangaroo shooters have had to obtain other employment to supplement their income, and naturally a great deal of capital investment is now lying idle, although I know of two or three kangaroo shooters who are still operating full time. In fact, I was speaking to Bill Head the week before last. He was operating previously at Meekatharra, but he told me he had just taken over an outfit from another chap who was operating in the Winning Pool area. I put those queries to the Minister and also mention once again our objection to the wide powers of a fauna warden which has been outlined by the Hon. Lyla Elliott. However, I am sure the Minister will be able to supply us with a reasonable answer to enable us to support the measure.

THE HON. A. A. LEWIS (Lower Central) [7.57 p.m.]: I had no intention of entering this debate until Mr Dellar spoke. This State Government and other Governments in the past have probably had the most efficient kangaroo conservation programme in Australia and I believe the Federal Government imposed the ban on the export of kangaroo products mainly through spite.

The Hon. S. J. Dellar: Rubbish!

The Hon. A. A. LEWIS: No, it is not rubbish.

The Hon. G. C. MacKinnon: I think it was more ignorance than spite.

The Hon. A. A. LEWIS: That could be, and it could be that successive Governments have taken notice of the CSIRO which has conducted research programmes into the kangaroo but not along lines similar to those laid down by the Federal Government.

I suggest to members that at Forrest-field the APB has conducted a great deal of research and collated some important material on the habits of kangaroos in pastoral areas. I only wish the Federal Government and the CSIRO would take a little more notice of the work performed by this body.

The Hon. G. W. Berry: They do take some notice of it.

The Hon. A. A. LEWIS: I am sorry to contradict the honourable member, but they do not seem to take any notice whatsoever.

The Hon. D. K. Dans: Tell the Minister for Conservation and the Environment about it too.

The Hon. A. A. LEWIS: The Federal Government imposed a ban on the export of kangaroo products, and a partial lifting of that ban will not be of much use to the kangaroo shooters, because American conservationists will ban the import of our kangaroo skins into the USA. Our Federal Government, having made the initial mistake, will find that it is not so easy to get back into the market merely by a partial lifting of the ban.

I agree with some of the statements made by Mr Berry on fauna wardens. I ask the Minister whether the existing flora and fauna wardens will automatically be appointed as wildlife wardens, because no reference is made to this in his second reading speech. The Bill merely states that the Minister may appoint them. However, I am sure that the Minister will be able to explain the position. I support the Bill.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.01 p.m.]: I certainly had no intention of speaking to this Bill.

The Hon. G. C. MacKinnon: I do not know why some people ruin such good intentions so easily.

The Hon. CLIVE GRIFFITHS: However, when Mr Berry was speaking about the provisions of clause 15 of the Bill he indicated that a new subsection was to be added and it occurred to me that we were providing in the Act a penalty of \$200 for anyone who contravenes any agreement which is entered into between the authority and the owner of a wildlife sanctuary. Clause 15 provides the addition of a new subsection as follows—

(2) A person shall not directly or indirectly purport to describe any area of land as a wildlife sanctuary unless he is permitted to do so pursuant to an agreement entered into under this section.

Penalty: Two hundred dollars.

Recently I received word from a person who runs a wildlife sanctuary at Jandakot.

The Hon. D. K. Dans: We have all received word from him.

The Hon. CLIVE GRIFFITHS: Several members took the opportunity to visit the sanctuary. I am sure that the other three members of Parliament who accompanied me would agree that the facilities being provided at that sanctuary are desirable. They are well kept and well run and provide a great deal of pleasure to many people. The sanctuary provides them with an opportunity to inspect the wildlife, but, more particularly, it provides a great educational facility for school children in the metropolitan area.

One of the reasons the gentleman concerned wrote to me was that he felt the department was giving him some unwarranted hurry-up.

The Hon. D. K. Dans: Which department?

The Hon. CLIVE GRIFFITHS: The Department of Fisheries and Wildlife.

The Hon. D. K. Dans: I thought it might have been the department which would not permit him to subdivide for building blocks.

The Hon. CLIVE GRIFFITHS: That department might be giving him some hurry-up also. He did not write to me about that because the Bill does not deal with that subject.

The Bill contains a new definition of a wildlife sanctuary. Bearing in mind the problems this gentleman expressed to us concerning the wardens and the department, it seems to me that it is probably more than coincidental that we now have a Bill which specifically spells out what is a wildlife sanctuary. The Bill goes to great lengths to indicate the very steep penalty which would be applicable to anyone who described his property as a wildlife sanctuary contrary to what his permit allowed.

Without going into any further detail I express the hope that the department and its officers will be informed that it is not the Government's intention to discourage people who are prepared to put their energies and efforts into the establishment and running of a wildlife sanctuary of this nature.

I repeat that the sanctuary in question is a pleasant place for tourists and the general public and is a great area of tremendous educational value for the hundreds of school children who are taken there by their teachers for this very purpose.

I trust the Minister will pass my comments on to the department to ensure that it is made clear that the Government is not interested in discouraging this type of facility.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [8.07 p.m.]: Mr Clive Griffiths can rest assured that I will pass his comments on. The provision he mentioned is to prevent a person knowingly advertising his property as a sanctuary if it is not properly registered as such. There is nothing very unusual about this. There has always been a necessity for what is known as a "B"-class license, but sanctuaries have now become something of a tourist attraction as has been mentioned and they have the advantage to which he referred that people living in built-up areas are able to see wild animals. However, a person could advertise his property as being a sanctuary when it might not be licensed for that purpose. The penalty applies to those who improperly use the term.

Confusion has arisen with regard to some aspects of the legislation, and these were touched on by Mr Lewis. As some members will recall, when we introduced the kangaroo cropping scheme some years ago it was hailed by members in both Houses as quite an advanced move.

The Hon. R. Thompson: It had good support.

The Hon. G. C. MacKINNON: Yes, from both the Government and the Opposition at the time. The tragedy of it was that, playing on the emotional situation which had been engendered to some extent in the USA, certain persons in the major capital cities of the Eastern States were able to encourage some political action.

The Hon. R. Thompson: And in this State also.

The Hon. G. C. MacKINNON: Yes, but I think it primarily came from Sydney and Melbourne. I spoke to Mr Murphy when he was the Attorney-General and indicated that I thought his Government had been ill-advised in the action it took.

Nevertheless, in answer to Mr Dellar, certain elements in the Bill are strictly

to meet the requirements of the Federal Government in order that the embargo on the export of kangaroos and kangaroo products will be lifted.

I am aware of the problems in regard to shooters, mentioned by Mr Berry. Most of them stem from the fact that only certain portions of the kangaroo can be sold. I do not think that any of us ever expected kangaroo shooters would take up a permanent position. There was always the expectation that these people would be in industry for only a few years, and then move on. It is a fairly lonely life.

I am quite sure that Mr Berry has seen some of them, as I have. One would normally expect that if they themselves did not get sick of the work, their wives and families would. However, I think that the problems with the Federal Government were responsible for a number of them leaving the work quicker than would otherwise have been the case. I am delighted that one or two are coming back into the industry, as was mentioned by Mr Dellar.

It is funny how some things which have been in existence for a long time are suddenly discovered. I would like to quote from a speech made by a former member of the House who said—

One provision, however—although probably necessary—seems to vest very great powers in wardens. That allows them to enter any property, other than a dwellinghouse, to carry out a search without taking out a warrant beforehand. As I have said, that is probably necessary because, between the time when they discover that something is wrong on a particular property and the time when they obtain a search warrant, whatever evidence may have existed could have disappeared.

That is very sensible when dealing with animals. In the same debate, another honourable member said—

In answer to one of the queries raised by Mr Henning, I would point out, in regard to the necessity for vesting greater powers in the honorary wardens, that it is most desirable to permit these wardens immediate right of entry in those instances where they reasonably believe that an offence is being committed or is about to be committed. It is considered that the granting of such powers is necessary to enable the wardens to carry out the provisions of the Act. Most of our fauna is extremely mobile. The animals show no inclination for Crown land in preference to private property, and therefore move about as much on the latter as on the former. Therefore, it is necessary for wardens to be able to enter upon both private and Crown land.

The latter speaker of the two was Mr Strickland at page 2916 of *Hansard* of 1954, and the former speaker was Mr Henning at page 2305.

The Hon. J. Heitman: I think the main objection to the chaps coming onto the properties is that some are very officious and you would sooner shoot them than the kangaroos.

The Hon. G. C. MacKINNON: It is a tremendous advantage we have as members of Parliament because we have the two-to-one ratio of electoral boundaries in the country compared with the metropolitan area. This gives us reasonable representation. If citizens find themselves inconvenienced by an officious warden they have but to ring their own member who can contact the department to have some action taken.

The Hon. H. W. Gayfer: It is your word against his.

The Hon. G. C. MacKINNON: Tonight we have heard about four cases of purely hearsay evidence. Over the years I have found that it is not extremely difficult to go out to study a situation. In this case those involved would meet the fauna warden. As members would be aware, I have naturally met many of them.

The Hon. T. O. Perry: A fortnight after the offence has occurred.

The Hon. G. C. MacKINNON: Let me assure members that the people in positions of authority in the departments are no less intelligent than are members in this Chamber. They know the sort of fellows who are officious, overbearing, and quite nasty. The department is aware of their existence, and if it receives one or two reports about them some action is usually taken. If the honourable member can pick these fellows out, so can the officers of the department.

The Hon. T. O. Perry: In the case I mentioned tonight the department dealt with him.

The Hon. G. C. MacKINNON: Then what is the complaint?

The Hon. T. O. Perry: I am saying they are officious. Eighty per cent of them are very decent chaps. There are some particularly good fauna wardens but a couple of them have no right to be in the job.

The Hon. G. C. MacKINNON: The same thing applies to medicos, lawyers, policemen, and even members of Parliament.

The Hon. J. Heitman: They are usually dealt with.

The Hon. G. C. MacKINNON: Not always. I know of one or two who, in my very serious and objective examination of the situation, should have been defeated; yet they were here year after year.

The Hon. H. W. Gayfer: Perhaps you were wrong.

The Hon. G. C. MacKINNON: They did not belong to my party, so perhaps I was wrong.

These kinds of arguments are not valid. We have to look after the fauna from two points of view. One is they can become vermin if allowed to become too prolific; and the other is we desire them to become a continuing species in the general ecology of the country. The problem is that the people who import our kangaroos are very upset if they are called vermin. That is now frowned upon and in order to conform to the Federal Government's requirements we must not call them vermin.

The Hon. J. Heitman: It is a dirty word.

The Hon. G. C. MacKINNON: It has become a dirty word. This is a real problem but the only way to overcome it is by a properly controlled programme.

I think it was Mr Lewis who asked a question with regard to clause 20 relating to the powers of the different officers. The chief warden will issue instructions to the wildlife officer, who may be concentrating on either flora or fauna.

Mr Berry's queries would be answered if he examined the interpretations carefully. "Fauna" is the term describing what we might generally refer to as the animal wildlife. "Flora" is the general term describing what we might refer to as the vegetable wildlife. I am quite sure Mr Berry is fully aware of that. Nevertheless, he asked the question and I have answered it.

The Hon. R. Thompson: What about the point raised by Mr Dellar, that there is no interpretation of "wildlife officer"?

The Hon. G. C. MacKINNON: I do not think it matters in that the interpretation covers indigenous flora, and "fauna" is defined. The word "wildlife" was introduced into this Act in this Chamber by an amendment proposed by the Hon. Mr McNeill some years ago, as the Leader of the Opposition will remember. "Wildlife" is a general term which is used to cover everything.

The Hon. R. Thompson: It is to become a wildlife authority now, rather than a fauna authority.

The Hon. G. C. MacKINNON: It has grown up to be the wildlife authority, and that is the name of the authority. It could be given any name at all and still include flora and fauna. Indeed, "wildlife" can on some occasions cover feral animals, if they are declared. I think some years ago we took action in regard to brumbies in that connection.

I have dealt with clause 15, concerning the rights of the fauna warden to move in. We must bear in mind that we are dealing with two separate animals. We are dealing with one animal which has the power and capacity to exercise its rights at law; that is, man. We are dealing with another animal or series of animals which has no such power; that is, fauna. Under these circumstances—reverting to what the Hon. Harry Strickland said—because of their

extreme mobility it is necessary to act quickly. One has only to open a gate or make a noise and they are off; or they could be left to starve. For that reason, in the Act dealing with cruelty to animals those officers also have a right of immediate entry without warrant. I think that is a reasonable ground for giving these powers.

The Hon. R. Thompson: I do not think you have explained the point raised by Miss Elliott. In your second reading speech you said—

The existing authority which enables a warden to enter upon and search land not being a dwelling house nor an enclosed garden or curtilage of a dwelling house is to be extended to enable search of such garden or curtilage of a dwelling house.

You have not given a reason for that.

The Hon. G. C. MacKINNON: The reason for it is a number of people have taken to keeping the animals virtually in their backyards. There are a couple of examples of this in the metropolitan area. Someone might hit a kangaroo or a brush wallaby with his car and take the young out of the pouch, it being of an age when it can fend for itself. Perhaps it is given to somebody who will look after it. For a variety of reasons, people are enticing the animals into the metropolitan area. So it has become necessary to extend the power to the backyard because of those few people. It will be found when these powers are given they are looked after with extreme care, but we must be in a position to move in immediately, because if someone opens the gate and says, "Shoo", the animals are gone.

The Hon. R. Thompson: I suppose I have paid hundreds of dollars to have people raise joey kangaroos.

The Hon. G. C. MacKINNON: Unfortunately, some people are not so careful as the Leader of the Opposition is; they do not look after the animals properly.

The Hon. R. Thompson: I would be breaking the law, but my intentions would be good.

The Hon. G. C. MacKINNON: It would take little more than a telephone call for the honourable member to be not breaking the law.

The Hon. R. Thompson: The average citizen would not know this and he might go to a lot of trouble to try to do the right thing.

The Hon. G. C. MacKINNON: The sympathy which people naturally have for an animal comes to the fore and they try to do something about saving it. Nevertheless it is one of the rules of life that ignorance of the law is no excuse. I know the Hon. Ron Thompson has done this on a number of occasions, but never once has he been reprimanded, let alone prosecuted.

If someone misbehaves badly, it does not take long for the word to get around, and action can be taken against him. The Hon. Ron Thompson is aware of that.

I believe members have full sympathy with the Bill. No-one has indicated he intends to oppose it, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Hon. Clive Griffiths (Deputy Chairman of Committees) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Section 12C amended—

The Hon. R. THOMPSON: I seek clarification from you, Mr Deputy Chairman, although my remarks do not apply to this clause. Some of the clauses contain many amendments, some of which are quite acceptable; but in one instance a deletion is objectionable as far as we are concerned. Would you advise whether we must defeat the whole clause or whether we will deal with each paragraph of the clause separately? It is not our wish to defeat the whole clause, so I would appreciate your guidance.

The DEPUTY CHAIRMAN (The Hon. Clive Griffiths): The honourable member could move to delete the particular words he wanted to delete.

Clause put and passed.

Clauses 13 to 22 put and passed.

Clause 23: Section 20 amended—

The Hon. Lyla Elliott: I move an amendment—

Page 15—Delete subparagraph (vii).

I indicated during the second reading debate that we on this side of the Chamber were opposed to this amendment because we do not believe it is right that a person should have the privacy of his back garden invaded by a wildlife officer who has not obtained a warrant to do so.

I agree with what the Minister said a few minutes ago; I agree that our wildlife should be protected. We certainly need laws which will prevent cruelty, neglect, or illegal seizure in respect of all wildlife; but I do not believe this justifies further erosion of our civil liberties.

If a wildlife officer suspects that an offence has been committed or is about to be committed I cannot see that it would be so difficult for him to obtain a warrant to enter the premises concerned. I think we are getting to the sort of thinking these days that the end justifies any means; that because something is desirable we can employ any means to achieve it. We find this in all sorts of regulations and legislation being introduced in this Parliament. This is merely

another example of that sort of thinking. I hope the Chamber will support my amendment.

The Hon. G. C. MacKINNON: It makes one very sad when this sort of situation arises.

The Hon. R. F. Claughton: You will have us crying again.

The Hon. G. C. MacKINNON: I do not believe I could. With the complete lack of humanity evidenced by this sort of request, I doubt whether there is a tear there.

Let us take the Dunsborough area, which I know fairly well. Possums have become fairly prevalent there and a young child could catch a possum and box it up in his backyard. The word would get around quickly, and people would say something should be done about it; but nothing would be done. No-one would do anything as everyone knows each other. So the possum would be left there whimpering. Eventually someone would phone an honorary warden and ask him to release the animal. If the amendment is passed, before the warden could do anything he would have to obtain a warrant. Immediately he did that everyone would know about it and someone would release the possum and shoot it over the fence, or, worse still, wring its neck.

One has only to work in the field and see what goes on—as one would expect members of Parliament to do—to know the situation. For six years I was accused at various times of having little concern for British justice. My job was to protect the defenceless crayfish from the world's greatest predator; that is, man.

The Hon. R. Thompson: I made your job easier, though.

The Hon. G. C. MacKINNON: Yes, because Mr Thompson had an appreciation of the problem. I think he should take some of his members away for a quiet talk, because he understands the problem.

There are certain situations in which the power of entry is important. I believe this is one of those situations, and I sincerely hope the Committee does not agree to the amendment.

The Hon. D. K. DANS: I take this amendment seriously, and I am sincere in what I say. The actions of Governments of all political shades all over the world begin to worry me. It is not long ago that I questioned another Minister in this Chamber with regard to the rights of members of the Road Traffic Authority, who have been permitted to do certain things as a result of amendments made to the Traffic Act. The Minister sincerely said that certain things would not happen. Of course, we all know what has happened since: those administering the Act have an approach completely different from that of the Minister. I do not wish to pursue that question further, and I raise

no doubt about the honesty of the Minister concerned. However, I point out that what I consider to be an abuse of power took place.

The intention outlined by the Minister in respect of this Bill is quite good, but the situation is worse because this legislation allows honorary wardens to do certain things. If trained people whose activities are controlled by a very strict Act can misinterpret their authority and get away with it successfully, then I am sure enthusiastic amateurs with the very best of intentions will be able to invade one's privacy and abuse the privilege which will be bestowed upon them by this Bill.

It seems to me that we have had a great proliferation of fisheries inspectors who are in the main full time, although some are honorary; but we do not appear to have a great number of fauna inspectors who are properly trained, not only in the area in which they should have some expertise but also in respect of their relations with the general public. The wood chip industry is a good example of this, because all the research and expertise in that area have come from foresters of the Forests Department.

Here we have a Bill which allows for an invasion of the privacy of the individual, which attacks the cornerstone of British justice and democracy, and this invasion of privacy is to be performed by rank amateurs. I listened carefully to Mr Perry—

The Hon. G. C. MacKinnon: You always do.

The Hon. D. K. DANS: Listen carefully to Mr Perry?

The Hon. G. C. MacKinnon: Yes, you said that to me last night.

The Hon. D. K. DANS: Touché! The person Mr Perry referred to was acting as he thought in the best interests of the honorary authority that was bestowed upon him. I can well imagine what would happen if we were to promote a number of honorary policemen and arm them with this kind of authority. Even with the best intentions in the world we would end up with chaos.

The example given by the Minister is indeed very heart-rending—or even blood-curdling when one considers the part about wringing the possum's neck. I agree with what the Minister said; that people can catch these animals and do all kinds of things they should not do. However, the overriding principle we must consider is the invasion of the privacy of the individual. A person who does something within the boundaries of his home is certainly not impinging upon the rights of others.

I become very alarmed when it is proposed to arm well-intentioned amateurs with powers the police have not got, because I can well imagine where this will

lead. It would be an exercise in democracy for the Minister to take the Bill back to the Minister for Fisheries and Wildlife and ask him to have another look at it.

I think we have amply demonstrated tonight that no matter how well intentioned these honorary wardens may be, from time to time they will become over-enthusiastic and cause embarrassment. I do not think that should happen.

I repeat that I am seriously worried about actions of Governments, generally, which are steadily eroding the rights of the ordinary citizen. It does not require a great deal to obtain a warrant under the normal processes of the law. The police obtain warrants quite effectively, and I do not think it will be difficult for an honorary warden to follow the same procedure. In fact it might curb some of this enthusiasm and overexuberance. Whilst I agree that most of these people would act with the best of intentions, I point out that the road to hell is paved with good intentions. I ask the Minister to have another look at this matter with a view at least to making some further procedures necessary before an honorary warden can invade the privacy of a citizen.

The Hon. T. O. PERRY: I support the remarks of Miss Elliott and Mr Dans and point out that I have already registered my opposition to giving wildlife officers greater powers. I have pointed out that already a conflict has occurred between wildlife officers and a farmer regarding the interpretation of the Act. The Minister said I am relying on hearsay, but if he challenges me strongly enough I will name the wardens and the farmer concerned. I will also give the date the matter was taken to Mr Shugg. I point out that Mr Shugg has now ruled that the wardens concerned must do certain things. They were requested by the farmer to insert on the destruction permit certain shooters' names, and they refused to do so. However, they refused to do so because they misinterpreted the Act, and Mr Shugg has now ruled that they must do what the farmer wishes them to do.

In spite of that we now have a Bill which gives these officers greater power to enter the enclosed garden or curtilage of a dwelling house.

I believe it is important that a police officer should get a search warrant when he enters private property. It is not difficult for search warrants to be obtained. I have no doubt that half a dozen of us in this House, as justices of the peace have, on occasions, have signed documents which would enable a search to be carried out. I feel that if these wardens are to search a property they should obtain a search warrant.

The Hon. R. THOMPSON: I would refer members to section 20 of the principal Act. It is a long section and I will not

read it out, but it contains virtually every power that is necessary for a warden to carry out a search. I have listened intently in the hope of finding the reason and the necessity for extending these powers where a dwelling house is to be included. Why are we taking out the curtilage or enclosed garden? The fact that there happens to be a possum in a box in Dunsbrough is not sufficient reason so far as I am concerned for these powers to be extended.

The last time the Act was amended was in 1970, which is five years ago, so surely the department must have some reason—which has not been explained in the second reading notes—for putting forward this amendment. As members will see, if they read the Minister's introductory speech, the reason has not been explained. There must be good reasons for this amendment and we must know what those reasons are.

The Hon. J. HEITMAN: A similar provision is included in many Acts in Western Australia and there is a reason for this. A similar provision is included in the legislation dealing with wheat quotas, in the Marketing of Barley Act, in the Act relating to the Australian Wheat Board. They are a few examples.

I agree there are occasions when one runs across a mad warden who gives one more trouble than the vermin on one's property, but this does not happen very often. There have been occasions when I have found it necessary to ring up his boss and tell him what is happening. Birds and animals disappear very quickly and it is necessary for the warden to make an inspection before this happens.

A similar type of search can be carried out under the Police Act. I do not know how we can overcome the objections put forward but I must stress that most wardens have been trained to do the right thing.

For example we all know that under the fruit-fly legislation inspectors can enter one's property with a view to inspecting one's orchard and if necessary carry out a spraying operation which may have been overlooked. The provision is included for the good of the community, and I am sure it will do no harm, particularly when we have trained people to carry out the work.

The Hon. D. K. DANS: My anxiety was increased when I heard Mr Heitman say a similar provision was included in several other Acts. This is what worries me.

During the first part of the session I spoke, as did other members, on the rise of the power of bureaucracy and the diminution of the power of the Legislature. It disturbs me that such amendments can be put forward in the certainty that Parliament through the Government of the day will pass them; and I am now referring to Governments of all political colours.

The Hon. G. C. MacKinnon: Give us a reason for your objection.

The Hon. D. K. DAns: The provision is undesirable. Mr Heitman talked about birds flying away and animals escaping quickly, but we find that the police who quite often are dealing with life and death, theft and a number of other things, must go through a certain process before they can enter a dwelling. While this process is being carried out it would be just as easy for a fugitive to escape as it would be for a bird or an animal to disappear.

A person who steals a couple of bars of gold could dispose of them extremely quickly and yet we are seeking to make this differentiation. I know we are dealing with the question of agriculture which is probably the mainstay of our economy and I agree there may be good reason for putting forward this type of provision. This sort of attitude, however, could go marching on. I have given an example of one Bill where assurances were given in complete honesty and in spite of that we all know what the end result was. We are accused of being socialists and of doing all sorts of dreadful things, but this does not seem to worry the bureaucrats. I daresay that if we were the Government we would probably be doing what the Minister is proposing to do now. If we are to be accused of being socialists then members opposite must be neo-socialists because they are doing exactly the same sort of thing of which they accuse us.

I am concerned at the right of the individual being whittled away. The Government seems to be attaching more importance to possums and birds than to the rights of the individual. If policemen, whom we expect to uphold the law, have to go through a certain process there is no reason why other people should not. I know from experience that when certain things are put up and discussed in the party room one votes for them and then realises how inattentive one has been. I wonder where this sort of thing will end.

The Hon. V. J. FERRY: The provision under discussion is contained in several other Acts and I refer quickly to the Marketing of Potatoes Act which provides certain conditions under which an inspector can take action in the interests of the potato industry and the potato marketing authority.

As far as I can ascertain if he has reasonable grounds for suspecting that something is not in accordance with the intention of the Act an inspector can stop a vehicle, enter upon premises or property and take samples—in this case of potatoes, for which he must give a receipt if he confiscates them. He can do all this without a warrant.

Like other members I do not wish to proliferate the situation but we must have regard for the subject we are endeavouring

to protect. We must have regard for the interests of the people and also of the wildlife we are hoping to protect.

I come back to the point that the suggestion that the Bill should be amended by deleting subparagraph (vii) is not in the interests of fauna conservation.

The Hon. G. C. MacKINNON: There is no need for the arguments put up by Mr Dans on the proposal in clause 23. We have grown into a very complex society and no longer can we walk along the street and say to the squire, "Talk to Crofter Dans because he has been a nasty person." In the early days as a result of such talk Crofter Dans would discontinue being a nasty person. It was not so very long ago that in small communities people were aware of and reacted to the feelings of their fellow citizens. However, with our society growing into a complex one we have been forced to take a wide variety of action which we all deplore.

The Hon. D. K. Dans: I think you are oversimplifying the position. I agree with you, but where does it all end?

The Hon. G. C. MacKINNON: Let me quote the explanation for which the Leader of the Opposition has made a request. It is as follows—

Section 23 (amending Section 20) paragraph (b)—subparagraph (vii): The proposed removal of the words "or enclosed garden or curtilage of a dwelling house" in lines thirty-three to thirty-five will only allow a wildlife officer to do what we have decided should be done—to police the protective provisions of this Act as it applies to wildlife.

I think we have to remember that wildlife officers when acting in accordance with their duties under this Act are really specialist police officers. If an officer has reasonable grounds for suspecting an offence has occurred, or is about to occur, does he get on with his job or does he retire from the scene because he hasn't got a warrant? We all know what may well have happened to the evidence by the time he has obtained a warrant and returns to the scene.

We need to remember, too, that it is often difficult if not impossible to decide whether land is or is not an "enclosed garden or curtilage". I have heard it said (though I'm no "legal eagle" so I may be corrected here) that it is often impossible in law to decide where a curtilage begins or ends.

But there's usually no doubt about a dwelling house. It begins and ends at the walls and doors. A wildlife officer isn't to be authorized to storm anyone's castle, but just to go about the job we give him, courteously and efficiently.

The real purpose of this legislation is to protect and conserve wildlife in the wild—that is, in nature reserves and wildlife sanctuaries, and on Crown land and private land. It is impossible, however, effectively to prevent the unlawful taking of wildlife by persons who are determined to do so. But the chances of catching up with them are much greater after the event when the unfortunate birds or other animals are caged and held. This is one reason why we have an aviary licensing system, for example, so that control may be exercised where it is feasible to detect unlawfully taken wildlife. Another is to ensure that cages are adequate and food and water and shelter from the elements are provided for those that have been bred in aviaries.

Wardens are continually required to check out aviaries and invariably these are sited in what would be the "enclosed garden or curtilage" of the dwelling house. Without authority to enter and list the species held, there are many occasions when the officers find themselves having to return again and again to one address, despite endeavours to contact absent licensees through neighbours or other persons. These multiple visits take up considerable time and lead to serious losses of working time and unnecessary expenditure.

To sum up, the amendments are sought—

- (a) to step up efficiency by allowing the officer to get on with his job when he has to,
- (b) to overcome the legal doubts about the boundaries of gardens and curtilages,
- (c) to better conserve and protect our fauna.

Those are the problems. If some member can think of an amendment, other than the complete abolition of this power, I am prepared to consider it. I cannot think of any, and neither can the people who are charged with the responsibility of caring for the wildlife of the State.

The Hon. D. K. Dans: Can you obtain for me the number of wildlife officers and honorary wardens?

The Hon. G. C. MacKINNON: On my last count there were less than a dozen.

The Hon. R. Thompson: I think there were five.

The Hon. G. C. MacKINNON: That would be less than a dozen.

The Hon. LYLA ELLIOTT: The Minister has not convinced me that the deletion of the words "or enclosed garden or curtilage of a dwelling house" is necessary or desirable. Earlier he said it was not practicable to obtain a warrant to

enter premises. He said that, for instance, in centres like Dunsborough word would get around and the offending party would be able to get rid of the animal or bird, and the wildlife officer would not be able to apprehend the person.

I suggest this is a reflection upon the Justice of the Peace. Surely the Minister will concede that Justices of the Peace are responsible persons who will not warn offending parties to get rid of animals or birds.

The Hon. G. C. MacKINNON: I did not mean that. Everyone knows the Justice of the Peace in a country centre. People are able to see a person going to the Justice of the Peace.

The Hon. LYLA ELLIOTT: Mr Dans has covered many of the points which I intended to make. The important aspect is that we do not have any guarantee this power of entry will not be abused by some wildlife officers. I have no doubt they are responsible officers, but human nature being what it is sometimes people tend to overstep the mark and abuse their authority.

The Hon. G. C. MacKINNON: Originally the provision was put into the Act to control the crocodile trade.

The Hon. LYLA ELLIOTT: That is quite irrelevant. The reasons given by the Minister for the deletion of the words were for the protection of the animals and birds. I wonder whether in the next amendment of the Act the term "dwelling house" will be deleted from section 20 (2) of the Act. Should that occasion arise will the Minister advance the same reasons he has now advanced?

In my opinion the back garden, the courtyard, or the back verandah of the dwelling of a person is just as much a part of his private home as are the rooms within the four walls.

The Hon. V. J. Ferry: If you seek to move for the deletion of paragraph (b) (vii) of clause 23 will you be prepared to introduce a private member's Bill to delete a similar provision in the Marketing of Potatoes Act?

The Hon. LYLA ELLIOTT: I do not have a copy of the Marketing of Potatoes Act before me, and I do not know whether the premises mentioned in that Act are the same type of premises mentioned in the Fauna Conservation Act.

Mr Ferry has referred to the need for inspectors to be permitted to enter property, but in this case property has been defined as a dwelling house or enclosed garden or curtilage of a dwelling house.

As has been pointed out by myself and by other speakers, where are we heading in imposing restrictions like these in respect of the private premises of the people? The fact that a similar provision is contained in other Acts strengthens my argument that too many restrictive provisions

are being inserted in our legislation. We should be very careful before we decide to cast aside the precious rights of people in respect of their private homes.

The Hon. G. C. MacKinnon: It is heartless for people to keep animals in captivity in their backyards, where the animals could die under terrible circumstances.

The Hon. Lyla Elliott: I agree that strict regulations should be promulgated to govern the keeping of animals.

The Hon. G. C. MacKinnon: I never thought you could be so heartless.

The Hon. Lyla Elliott: The Liberal Party should honour the policies set out in its last policy speech. A full page has been set aside in the booklet to deal with the guarding of civil liberties. I do not think the provision in the clause honours that policy of the Liberal Party.

The Hon. G. C. MacKinnon: We all agree with the views of one another, but we cannot reach a solution in respect of the provision in the clause. In order that we may arrive at a solution I ask that progress be reported and leave be given to sit again.

Progress

Progress reported and leave given to sit again, on motion by the Hon. G. C. MacKinnon (Minister for Education).

MINERAL SANDS (WESTERN TITANIUM) AGREEMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.15 p.m.]: I have two Bills concerning mineral sands agreements to present to the House. It may well be that those members who are interested might see fit to allow the first Bill to be passed with a minimum of debate, and debate the second Bill at length rather than present the same argument on both Bills.

The Hon. R. Thompson: Conditions cannot be placed on debate, unfortunately.

The Hon. G. C. MacKinnon: I am aware of that, but the particular matters of interest to members will be applicable to both measures, and I thought my idea might have some virtue. I move—

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement between the State and Western Titanium Limited, under which a new mineral sands industry is to be established near Eneabba, leading to the shipment of heavy minerals through the port of Geraldton and the processing of ilmenite in the company's existing plant at Capel.

The agreement is a forerunner of similar agreements to be completed with four more existing or prospective mineral sands producers based in or near Eneabba. As these agreements will, in due course, also be

brought before Parliament for ratification, it should be borne in mind when dealing with the present agreement that its terms will be adopted, to the maximum degree practicable, in each of these further agreements.

A major objective in writing these agreements is the achievement of a singular, rather than a fragmented approach by the various companies to important aspects common to each of the projects. These are matters like water supply, transport, port development, townsite development, and environmental management.

The agreements also provide an opportunity for the State to ensure secondary processing and place an obligation on the companies seriously to consider the establishment of secondary processing facilities either individually, or in conjunction with other companies. Those who will not process will have to make available 50 per cent of their contractually uncommitted production to a processing company.

Western Titanium Ltd. is a wholly owned subsidiary of Consolidated Goldfields of Australia. The company has been active in the mineral sands industry in the Capel area for many years, and is well experienced in operating and upgrading techniques. It is well known that the company has achieved some success in the production of synthetic rutile from ilmenite, and in so doing is lifting the value of the base product by some 1 000 per cent. It is also using significant quantities of Collie coal in its Capel operations.

The company's Eneabba project will lead to expenditure in excess of \$14 million in the establishment of its wet concentration and dry separation plants near its mining area at Eneabba, its employee housing development at Leeman, and other matters.

It will employ about 75 people and will produce and process about 250 000 tonnes of heavy minerals a year, including some 30 000 tonnes of rutile, 60 000 to 70 000 tonnes of zircon, and more than 150 000 tonnes of ilmenite.

This project, together with the other mineral sands developments proceeding in the area, make it feasible for the State to construct an 86 kilometre rail link from Eneabba to join the existing Western Australian Government Railways network at Dongara. That project is proceeding, and it is anticipated that the railway will be established in time for commencement of the company's production in the second half of 1976.

Members will be aware that A. V. Jennings Industries Australia Ltd. began mining and processing in Eneabba during last year, and Allied Eneabba Pty. Ltd. expects to be in production later this year. Each of these producers will, in due course, use the rail service.

I turn now to the provisions of the agreement and, while dealing with them, shall outline the practical situation to which the provisions apply.

I should, at this stage, point out that the agreement bears a close resemblance in its framework to many mineral project development agreements written in the past. Take, for example, the four opening clauses of the agreement, in that until this ratification Bill has been passed and comes into operation as an Act, only clauses 1, 3 and 4 come into operation.

The company has made considerable progress towards establishing its project and, with the State's knowledge and consent, has already entered into commitments in certain preliminary matters. Its detailed proposals must cover a mining and treatment project, with a capacity to produce not less than 240 000 tonnes per year of heavy minerals, and must cover in detail the many matters specified in clause 5.

The proposals must include extensive provision for the protection and management of the environment. It will be noted that in addition to the details required under clause 5 (1) (i), under which the nature of the measures to be taken for the protection and management of the environment during the life of the project must be set out, clause 8 requires the company to carry out a continuous programme of investigation and periodical reporting regarding the progress of its management of environmental matters. Under this clause the State has the right to require changes in proposals commensurate with needs reflected by such investigations and reports.

The remaining terms of clause 5 relate to the use of existing infrastructure and evidence of marketing and financial arrangements. These, and the terms of clause 6, in regard to consideration of the proposals, the Minister's decision, arbitration, and the effect of nonapproval of proposals, are all similar to the usual terms of such agreements.

Clause 7 is also a clause common to agreements in more recent times. It ensures that there is machinery for State approval in the event of the company wishing to alter or expand its project significantly.

Clause 10 makes the usual provision for the company to use Western Australian professional services, labour, materials, and equipment in connection with the project. The clause also contains requirements for the submission of reports concerning the degree of implementation of its provisions. This latter is a new policy introduced by this Government, in order better to monitor the usage of Western Australian products and to keep the company continuously aware of them.

The terms of clause 11 relating to roads are in the usual format. They require the company to be responsible for the construction and maintenance of its private roads and for the closure of such

private roads from the public. They include company responsibility for any traffic conflict that may arise, and the usual provisions for the maintenance and use of public roads.

The establishment of the company's work force in Leeman, some 40 kilometres by road from the mine site, will lead to the establishment of an upgraded gravel road from Leeman to Eneabba via Coolimba.

The company's transport operations are dealt with under clause 12 of the agreement.

The company will be stockpiling some 90 000 to 100 000 tonnes per annum of its output at the port of Geraldton prior to shipment overseas and is planning to rail about 150 000 tonnes of ilmenite to Capel for upgrading in the company's synthetic rutile plant.

Under clause 12, all of the company's production of heavy minerals and any other bulk commodities required for the company's operations must be transported by rail. It also provides that the WAGR may carry commodities other than mineral sands, but need only do so if it considers it to be an economical haulage undertaking.

The clause contains standard terms in regard to the provision and maintenance of railway wagons, notice of transport requirements, and conditions of carriage by the WAGR.

The freight rates as set out in the first schedule to the agreement are computed on the basis of firstly, the Railways Commission supplying the railway, locomotives, brakevans, and wagons at its cost and, secondly, where the company supplies its own wagons and these are maintained and serviced by the Railways Commission. It will be noted that there is a minimum freight rate payable in connection with deliveries to both Geraldton and Capel.

Subclause (11) of clause 12 provides for the position where eventually the company and other companies operating in the area will wish to mine that land on which the railway is situated. Provided this is not earlier than the 1st January, 1980, the Railways Commission undertakes to relocate the railway at its cost so that mining may proceed.

Clause 13 deals with the supply of electricity to Eneabba, and places an obligation on the State Energy Commission to use its best endeavours to complete by not later than the 30th June, 1978, a 132KV transmission line to Eneabba and a 33KV feeder line to a point on or near the mineral lease to service the company's electricity requirements. Once this has been done, the company must use the State Energy Commission's supply, at standard tariff rates.

The substantial costs associated with the transmission line project have caused a delay in the extension of the line beyond

Gingin at this stage, but it is anticipated that the programme contemplated by the agreement will, nevertheless, be achieved.

Pending the completion of the main transmission and the feeder lines, the SEC is supplying power from Three Springs, and this situation will continue until the transmission line is completed.

In the meantime, the company has the right to generate its own electricity, and to continue to operate its own system for such period as the parties may agree, even though the major transmission line and feeder line referred to have been completed. This will enable the company to obtain full use of its system for its economic life.

I turn now to a major factor covered by the agreement; namely, the supply of water to the mining area. The provision of water for each of the mineral sands companies located in the Eneabba area is of great significance, as each is expected to use very large quantities of water, and without assured supplies the development of the mineral field would be impossible. The Eneabba mineral area is located over what appears to be a major aquifer, but much has yet to be learnt about the characteristics of the aquifer, and the water. Clause 14 is drafted in the normal way to ensure full State control over investigation, development, and use of the resource.

The companies operating in the area have been asked to contribute towards an initial bore system designed to monitor the performance of the aquifer so that long-term safe draw can be reasonably ascertained. The State has strongly resisted any suggestion that the water should be mined. In the case of Western Titanium, its anticipated usage is 3.8 million gallons a day.

Clause 14 contains the usual provision regarding notice to be given by the company of its daily water requirements, search within the mineral areas at the company's cost, and responsibility for the cost of any search carried on outside the mining areas. The company will operate under the provisions of the Rights in Water and Irrigation Act, and will construct at its own expense, all of the facilities necessary to draw and reticulate to its mining area. The clause also sets out conditions under which the State can take over the company's water supply facilities and develop the scheme into a district or regional water supply.

Provision is also made for the supply of water to third parties, ensuring at the same time that the company's rights are protected to a reasonable degree, and for the investigation of surface water resources, payment for water where supplied by the State, and use of sea water where proposals are submitted and approved.

The next clause deals with the mineral lease, and at this point I seek leave to table a copy of plan "A", the plan referred to in clause 1 under the definition of mining areas.

The copy of plan "A" was tabled (see paper No. 295).

The plan shows 24 mineral claims coloured red, and seven mineral claims coloured yellow. Under clause 15, as soon as practicable after the approval of proposals, the company is required to apply for a mineral lease over as much of the areas coloured red as it requires, the red areas being mineral claims registered in the name of the company. A mineral lease in the form of the second schedule to the agreement will then be issued to it. The lease will be for the usual term of 21 years, with rights of renewal for further periods of 21 years.

Not more than three years after the date of commencement—which is the date this Bill comes into operation as an Act—the company may, under subclause (7), apply for the areas coloured yellow to be included in the mineral lease, subject at that time to those areas by then being registered in the name of the company.

The present position is that two of the areas in question are about to be transferred to the company, and the remaining five are jointly owned by Allied Eneabba Pty. Ltd. and Western Titanium. Settlement as to sole ownership has yet to be negotiated, but providing this is done within three years, Western Titanium will have the right to include within the mineral lease the areas it then obtains. Allied Eneabba will have a similar right under its agreement with the State. The company estimates economic ore reserves from its present holdings at 9.8 million tonnes of heavy minerals.

Some of the mineral claims intrude into flora and fauna reserve No. 31030. The terms of subclause (8) of clause 15 ensure that the company has the right to mine within that reserve, subject to conditions specified in the mineral lease, and to proposals for the rehabilitation and protection of the reserve being approved. The review programme will, of course, also help to ensure that maximum results are achieved.

Much of the company's mining will be carried out on private land; thus subclause (6) provides that agreements for compensation must be completed between the company and the owner. The remaining provisions of the clause in regard to exemption from labour conditions, registration of other mining tenements over the mineral lease area, and access over the mining lease are in the standard format.

Clauses 16 and 17 contain the usual provisions for Land Act leases, and appropriate modification of the Land Act. Clause 18 provides for the conditions under which the company may establish its work force in Leeman, particularly relating to the provision of appropriate community, recreation, civil, social, and commercial amenities. The company then has an on-going responsibility in regard to the pro-

vision of these facilities in the event of its expanding its operations. The clause also makes provision for the company to obtain freehold title of townsite lots.

I have mentioned that the company will employ some 75 personnel, and this number of people, together with their families and consequential population, will form the basis for much-improved services in the small town of Leeman. Negotiations are proceeding between the company and appropriate State departments with regard to the supply of a suitable area of land in the Leeman townsite for the company's housing project, and the provision of engineering services.

Other significant matters covered by the agreement are the conditions under which the company may use the Port of Geraldton, and the facilities which are located there. Clause 19 sets out details of the arrangement, and I should mention here that the clause is very much more easily understood if read in conjunction with relative definitions set out in clause 1.

Advantage is being taken of Western Mining Corporation Limited's existing iron ore handling facilities at the port, established in connection with iron ore operations at Koolanooka. Agreement has been reached with the WMC joint venturers on the terms under which, in addition to handling iron ore, their facilities will be made available to the mineral sands industry, including WMC's own mineral sands project, and on the terms under which the WMC joint venturers will operate the conveyor system for the mineral sands producers. If agreement cannot be reached between the parties as to the terms on which the system is to be so handled, then the port authority has the responsibility to take over and operate the system.

This arrangement has ensured the continued use of a valuable facility which, in view of the present status of WMC iron ore operations, would possibly be otherwise wasted. The arrangement will require a variation of the Talling Peak agreement, and this will be attended to in the near future. In addition to the benefit of continued use of the iron ore handling facilities, these arrangements have, of course, ensured that the mineral sands producers' port operations will be integrated on a soundly-planned basis, and each will be able to tie into the handling system when it is ready to proceed. The alternative would have meant greater expenditure by the individual companies and a proliferation of individual ore handling facilities.

I refer now to royalties payable on the various minerals mined and sold by the company. Under clause 20 the company is to pay to the State standard royalties at the rates prescribed from time to time under the Mining Act. However, the State has agreed to grant the company a hold on the level of royalties existing at the 30th

June, 1976, for a period of four years from that date, which is about the time the mine will come into production. This period of stabilised costs will help the company to consolidate its position during a time when it is recovering from its initial heavy expenditure and requires a steady cash flow.

Of course, if there is a rise in the rate of royalty prior to the 30th June, 1976, the company will not avoid the increase.

Subclause (3) of clause 20 requires the company to pay an additional royalty which relates to the provision of infrastructure, provided by the State in respect of the company's housing in Leeman.

Clause 21 deals with further processing, and it will be noted that under subclause (1) the company must, not later than four years after the commencement date, investigate the technical and economic feasibility of expanding its existing ilmenite upgrading plant at Capel, or establishing a new plant for secondary processing to the maximum degree then practicable, either by itself or jointly with another company or companies. If the study then shows to the State's satisfaction that the expansion or new plant is not practicable, the four-year cycle recommences, and a further study becomes necessary at each four-year interval thereafter during the life of the project.

It is anticipated that the company's Capel plant will, in fact, be expanded to take ilmenite from Eneabba. As I have mentioned, some 150 000 tonnes per year of ilmenite is planned to be railed to Capel, where the upgrading plant was designed originally to take Eneabba ilmenite. The Capel ilmenite feed-stock currently used in the plant is not as suitable as the Eneabba product.

I do not propose to go into detail on the remaining provisions of the agreement, since these are standard to agreements of this nature, and should be well understood by members.

The Minister, when introducing this measure in the Legislative Assembly, mentioned that the project which is the subject of the agreement before the House—taken in isolation and from the point of view of capital expenditure and labour employment—is not as significant as some of the great projects the subject of development agreements written in the past. It is, however, when viewed in conjunction with the potential of other mineral sands projects in the same area, with their cumulative populations and capital expenditures and their effect on transport, towns, and so on, a most significant part of yet another important regional development. With the benefits that will accrue from a rationalised and co-ordinated industry which this and further mineral sands agreements yet to be concluded will bring, there is no doubt that this agreement deserves the full support of the House.

I commend the Bill to members.

THE HON. D. K. DANS (South Metropolitan) [9.35 p.m.]: We agree with the principles expressed in this Bill, and no doubt during the Committee stage we will agree with its details. However, I am not quite clear about certain clauses and I would seek some further explanation on them. I do not know whether it is appropriate to tell the Minister now what my queries are.

The Hon. G. C. MacKinnon: I think it would be a help.

The Hon. D. K. DANS: I am completely in your hands, Mr President. Would it be appropriate to ask the Minister a few questions now, or should I wait for the Committee debate? It may help to speed the passage of the Bill through the Chamber if I could ask my questions now.

THE PRESIDENT: If it will facilitate the legislation, I have no objection to your mentioning the clauses upon which you seek clarification, so long as you do not enter into Committee stage debate in the second reading.

The Hon. D. K. DANS: I assure you, Sir, I have no reason to do that. In asking for guidance, I was merely hoping to speed up the passage of the Bill.

I am in a little difficulty tonight because Mr Cooley has been handling these two measures.

The Hon. G. C. MacKinnon: I appreciate that.

The Hon. D. K. DANS: I will have to refer to some of the material he gave me before he left the Chamber. The first note refers to clause 10 of the Bill, on page 13. We would like to ask whether it would be possible to give preference to quotes from WA companies such as were given by the Tonkin Government. If the quote from a Western Australian company was within 10 per cent of the lowest quote, that would be the preferred tender. However, we understand this policy can give rise to collusion in tendering.

Subclause (13) of clause 12 refers to the diversion of the railway. I would like to refer to that provision in a little more detail during the Committee debate as it seems to be a rather strange clause. I again say, however, that we support the Bill.

Clause 8 deals with flora and fauna reserves.

The Hon. G. C. MacKinnon: Yes, additional proposals for the protection and management of the environment.

The Hon. D. K. DANS: This appears to give the company the right to mine a flora and fauna reserve.

The Hon. G. C. MacKinnon: Yes it does.

The Hon. D. K. DANS: The Minister referred to the rehabilitation of this reserve. I would like the Minister to expand on that statement so that we are better informed. We see that the company has

75 employees. Clauses 17, 18, and 19, refer to the use of the Port of Geraldton and the association of those three clauses. I would ask the Minister to further clarify this matter during the Committee debate.

Clause 20 provides for a moratorium of four years. There was very little comment on this in the Minister's second reading speech and there appears to be no compensation after this venture becomes a well established industry.

Clause 21 refers to the additional royalty for infrastructure not to exceed \$80 000. I think that needs a little more clarification.

The Hon. G. C. MacKinnon: I should start the second reading again!

The Hon. D. K. DANS: It provides also for a feasibility study every four years. The Minister does not need to give long explanations in reply to my queries.

The Government is to negotiate an agreement on the erection of a plant with a third party, and the supply to the third party is limited to 3 per cent of the company's previous year's production of heavy minerals.

We support the principle of the Bill, and I have no intention of opposing any of the clauses during the Committee stage. However, it would help greatly if we had a little more detail on the clauses I have referred to.

The Hon. G. C. MacKinnon: Certainly.

THE HON. M. McALEER (Upper West) [9.40 p.m.]: I am very pleased to support this particular Bill, firstly because it signals officially the entry of another company into the field of heavy mineral sands at Eneabba, and so confirms the promise of further development for the region as a whole, with extra employment, both at Eneabba and Geraldton, increased freight for the new railway, and more cargo for the Port of Geraldton.

Secondly, I particularly welcome the Bill because of the company's decision to house its employees in the town of Leeman. This is a decision which has caused some criticism on the grounds that had all the companies concentrated on the town of Eneabba, it would not be necessary to duplicate the facilities and amenities, and the township of Eneabba itself would have been larger and more satisfactory. I believe this is a valid point of view, but there are other points of view which are equally valid.

First of all, from the company's own point of view, I believe it takes into consideration the welfare of its employees. It will be a real benefit to the employees to be located in a town on the sea with a more pleasant climate, and well divorced from the job site. Also, from the company's point of view there will be a much better hope for recovery of the money they will invest in these houses in the town of

Leeman in the long run if in fact the life of the mineral fields does not prove to be very long, or if there is no further development in the Eneabba area, because the town of Leeman is firmly based already on the industries of rock lobster fishing and tourism.

A great deal of co-operation between the various companies has been obtained as far as the handling of mineral sands is concerned. However, I believe it would be unfair to coerce this particular company into settling in any one particular place, such as Eneabba, when the other companies have had the option to settle their own employees where they like, and have in fact looked at Leeman and other coastal sites with a great deal of interest, although they seemed to settle on Eneabba in the end.

From the point of view of the State and the area as a whole, I believe it is a good thing to spread the increase of population to more than one town, and especially to a town where the increased population has the chance of being permanent. Not only will Leeman gain in population now, but in the event of the mining declining, it will still have houses to offer to other people who may be attracted to the town for various reasons. More important, of course, Leeman will gain other facilities.

As members know, Leeman is one of those small coastal towns which has sufficient industry and population to survive but not enough to attract the services of water, power, mail services, and telephone, with the limited funds available. These services are coming, but they are coming very slowly indeed for the people who were already established there, who believe in the future of the town, and who are struggling very hard indeed to make it an attractive and a prosperous township. However, thanks to the influx of the people and to the financial contribution that Western Titanium will make, these facilities will be achieved very much earlier. In time I hope also that these advantages will spin off to the small sister town of Greenhead which sees its future principally as a tourist centre, but despite the attractive townsite and very good beaches, has been greatly hampered by lack of facilities. Greenhead is unable to achieve an increase in population owing to the departmental policy that no further land can be released in the townsite. This is not unreasonable because the department is unwilling to provide land that cannot be serviced. But this has produced a stalemate situation, and unless we can develop attractive coastal townsites we will not be able to enforce the laws against squatters along the coast. Certainly there will always be people who want to be alone. But the fact of the matter is that there are now so many loners up and down that coast they are in danger of defeating their own object.

The Hon. S. J. Dellar: They are no longer lonely.

The Hon. M. McALEER: Leeman is in the Shire of Coorow, which is neither wealthy nor well populated, and has a further disadvantage in that its principal town of Coorow is separated from the coastal towns by a long lead of 80 miles; it has been very difficult for the shire to service the town as well as it would wish.

It is true that with the influx of population which Western Titanium Ltd. will bring to Leeman, there will be increased difficulties and responsibilities for the shire. There will be the immediate practical difficulty in regard to the provision of roads. Because the streets of the town itself need to be upgraded and sealed the one and only road from the Geraldton Highway to Leeman, which is not yet sealed, will be the subject of much use. This is a problem which is causing the shire a great deal of concern not so much in terms of money but in terms of the condition of the only road servicing the town; it may be out of commission for some time. Problems exist in regard to town planning, the sewerage of the town of Leeman and the erosion occurring in the area, particularly in the sand dunes.

However, I believe that with the system of consultation between all the parties concerned—that is, the departments, the company and its consultants, and the shire—which has already been established, these difficulties should be minimised, the progress should be smooth and the area will go forward. I support the Bill.

THE HON. J. HEITMAN (Upper West) [9.47 p.m.]: It appears we are going to have a few speakers on this very important Bill which will affect the area Miss McAleer and I represent. We are both very pleased that agreement has at last been reached and we have these two Bills before the House, and that another four or five similar agreements concerning Upper West Province will come forward in the future.

Miss McAleer's comments about the town of Leeman were quite correct. I believe Western Titanium Ltd. has been very wise in its selection of location to house its employees, although the company will experience a great deal of trouble in constructing housing in that area. The Leeman townsite is built on a limestone cap, which extends around most of the area and I believe the company will experience trouble in putting down deep sewerage.

The fact that this company will soon be operating in this area has made it a lot easier for us to get water to the area. At present, the Public Works Department has a couple of bores about 10 miles out of the town, and water will need to be piped into the area. I understand Western Titanium will provide most of the funds needed to get the water into the town.

Within seven miles of Leeman there is the tourist resort of Greenhead, which will also profit from the fact that water will be piped into Leeman; it cannot help but benefit from the fact that it is quite close to a very adequate water supply. This is another way these agreements will help the communities in the area.

Two other mining companies have decided to base their operations at Eneabba. Eneabba is a peculiar town. As far as I know, about seven or eight surveys of the townsite have been conducted. The operations of these mining companies will be of great benefit to the farming community in the area due to the provision of sealed roads, more up-to-date facilities, an improved water supply, deep sewerage, and electricity, the last of which has been supplied many years before it otherwise would have been had the mining companies not decided to commence operations in the area.

A. V. Jennings Industries Australia Ltd. has already commenced operations on its water sluicing plant, which separates the ilmenite and other minerals from the heavy sands. The company has bulldozed deep dams on the flats in the area and during the winter months they store their water. I do not know how deep these banked-up dams are, but they cover a tremendous area. Of course, most of the water used is recirculated. The dams have made it a lot easier to obtain water than would be the case operating from a deep bore.

In this area, water is at a premium. The Eneabba district has been settled for many years, and the main water supply has come from deep bores. However, farmers feel the deep bores are too expensive to operate because when the bore gets down to about 500 feet it continually silts up and needs to be cleaned out, which represents a week's work or more. In addition, the piping does not last as long as it does in other areas. As a result, other companies have experienced a fair amount of trouble in finding and maintaining a water supply. Although it is easy enough to find, bringing it to the surface at a continual rate is another story.

The situation has improved, of course, with the amount of electricity brought to the town by the SPC over the last 12 months or 18 months. It is much easier to use electric pumps to pump the water required. To date, the farming community has been using windmills and diesel engines to work the pumps to pump the water out of the bores.

Now, however, the farmers in the area are able to use dams for their water supply; the area has a fairly adequate rainfall and they find it quicker and cheaper to obtain their water in this way. Of course, that is exactly what A. V. Jennings discovered; it was much cheaper and easier

to get the water in the dams they bulldozed than to pump it out of the deep bores in the ground.

I mentioned earlier that the town has been surveyed many times previously. The criterion has been that all service stations are set back from the main road to a distance of 5 chains, 6 chains, and in some cases even 10 chains.

The average person would feel that a service station needed to be fairly close to the highway, otherwise people would not know it was there and would not stop for fuel, and this is what the Eneabba people are discovering. In addition, the Government is asking something like \$25 000 for each site, and is having difficulty in selling them because they are set so far back from the highway.

The Hon. G. W. Berry: Why are they so far back?

The Hon. J. HEITMAN: It is a requirement of the planning authorities, and has something to do with safety; they have in mind the speed travelled by buses and trucks on these good roads, and the fact that a service station on the verge of the road may distract the attention of the drivers.

The Hon. D. J. Wordsworth: You should see the city of Lake King.

The Hon. J. HEITMAN: I do not agree with this principle, and neither do the people of Eneabba or any of those people who travel along that highway.

The Hon. D. J. Wordsworth: You should wait to see where they put the church!

The Hon. J. HEITMAN: Something should be done to encourage the people in charge of planning to assist by making land available closer to the highway so that it is easier for people to use the service stations. I believe this district will progress tremendously with the advent of these mining companies working the heavy sands in the area. Of course, we already know that Western Mining Corporation has commenced operations at Jurien Bay, a distance of about 80 miles south of Eneabba; but to my mind there is a great quantity of heavy sands between the two areas which eventually will be mined. I hope that after it is mined, the ground will be set back and clovered, and brought into production so that the area will not lose the agricultural capacity it has had in the past.

We are all very pleased that these lands are being opened up to mining and that there is movement in the area. With the advent of these and other agreements, we will see rapid progress and the area will develop as we wish it to. I support the Bill.

THE HON. V. J. FERRY (South-West) [9.57 p.m.]: This Bill seeks to ratify an agreement, "between the State of Western

Australia and Western Titanium Ltd with respect to the mining and concentrating of mineral sands and the production of heavy minerals at or near Eneabba."

I have particular interest in this Bill, because Western Titanium Ltd. has for some years mined at Capel in the south-west and accordingly, under the provisions contained in this Bill, it will expand its operations in my area. In my observations of the Bill I do not propose to touch on its provisions in great detail, but I do wish to make some observations on the role of mining itself, the role of Government in mining, and the role of private enterprise in the mining industry.

As I said, this Bill deals with mineral sands. Civilised man is dependent on a wide range of minerals, but minerals alone do not build modern civilisation. Man has learnt to develop the resources he has around him, and I suppose these resources provide the wherewithal to do many things. I suppose minerals are the basis of many things and we should not take them for granted.

To develop my subject, I suggest that if we took the metal pipes out of the modern city, we would take out its life blood; if we removed the metal wires we would take away its power; if we took away the structural materials, we would take away its physical strength; if we took away the paint, without paint it would be a very dull world. Paint has particular application to the Bill before us because one of the ingredients of paint is extracted from mineral sands.

If we take away all the modern aids to civilisation we also eliminate so many capacities. These include the capacity for educational advancement, for refinements of living, for improvement of living standards which we all enjoy, and for the enjoyment of our environment.

The necessity is to make minerals work for man and to do this we must provide and make policies work. This involves the proper role of Government, of citizens, and of consumers. In all these roles is involved man's concern for the environment. It is a package deal.

The Hon. G. W. Berry: Are the companies involved rehabilitating the areas back to their natural state?

The Hon. V. J. FERRY: Yes. They are doing a very good job indeed in rehabilitating the mine areas. Only recently I had the pleasure of visiting all the mining establishments in that area and it was very pleasing to see the way the mined sections were being reclaimed and rejuvenated. In answer to Mr Berry, it is being done very well indeed.

The Hon. G. W. Berry: That is good to hear.

The Hon. V. J. FERRY: It is one thing to preserve natural resources, and another to sensibly harness them to cater for man's fullest needs.

Where are we heading in Western Australia today, in respect of mineral mining? We have tremendous mineral resources and the harnessing of them maximises our opportunities.

The terms and conditions stipulated in the Bill do many things, and although I believe it is appropriate to leave much of the detail of the Bill to the Committee stage, I intend to touch on one or two of the broader issues.

One of these is the upgrading or beneficiation of ilmenite. Under the provisions of the Bill it is incumbent upon the company to upgrade something in the order of 150 000 tonnes of ilmenite mined at the Eneabba field and transported from there to Capel where the upgrading or beneficiation treatment will take place. This process can be related to my earlier remarks concerning the maximising of our natural resources. In doing this not only are we engaged in the primary utilisation of those resources, but we are also endeavouring, by all means possible, to carry it further to other stages.

The beneficiation of ilmenite is designed to increase the content of titanium dioxide. One of the most valuable minerals in the world is rutile which contains something like 95 per cent of titanium dioxide and the whole purpose of the beneficiation programme is to upgrade ilmenite to form a synthetic rutile which is acceptable by world standards. The ilmenite has a natural content of titanium dioxide of between 50 and 60 per cent and it must be upgraded to the required 95 per cent or thereabouts.

The upgrading of ilmenite is more acceptable and economically suitable for pigment manufacture, which, as I mentioned, relates principally to the paint industry.

The Hon. G. W. Berry: Can you use it for the manufacture of metal titanium?

The Hon. V. J. FERRY: Yes. It has quite a number of uses. I have a great deal of information here on the uses of these materials, but I do not wish to take up the time of the House on this occasion to reveal it.

One of the necessary ingredients for pigment manufacture is a low chrome content. Our mineral fields in Western Australia are particularly fortunate in this regard. The mineral deposits on the east coast of Australia, in addition to containing rutile, zircon, and other minerals, have an unacceptably high chrome content for pigment usage. So we have the advantage in Western Australia.

In mining operations in Western Australia a number of methods are used. Just as an aside, we have the sluicing method, the dredging method, and also dry mining.

In my earlier remarks I referred to governmental policy and I now wish to refer particularly to the current export policy of the Federal Government. Through the the Department of Minerals and Energy,

the Federal Government's policy is causing alarm in the mineral sands operations at Capel. The record of the Whitlam Government in mining matters is deplorable. I guess I have no need to mention this to members who represent the goldmining areas in this State because they know full well the damaging effect upon the goldmining industry of the lack of action of the Government through its Department of Minerals and Energy. I have no need to mention that, but I think I should.

The Whitlam Government deserves the strongest condemnation in this particular matter. We must have a sensible policy for the development of our natural resources. The Australian Government, under its Budget provisions, has imposed a tax on coal. What next? It could be mineral sands, iron ore, alumina, salt, and many others.

The Hon. R. Thompson: What has that to do with the agreement?

The Hon. V. J. FERRY: It is all to do with minerals and the development of resources.

The Hon. D. K. Dans: Let me tell you something. When the Liberals get back, Mr Fraser will keep the tax on coal.

The Hon. V. J. FERRY: I was waiting for that interjection because the honourable member said something similar on another debate, but with me it cuts no ice whatever because if any Federal Government imposes this sort of export tax on our natural resources, what is the effect? I will tell the House. Not only does it have the effect of pricing the commodity out of the world market—

The Hon. D. K. Dans: Rot, with coal! You have not read anything about coal if you say that! Rot!

The Hon. V. J. FERRY: Is that spelt with a capital "R"?

The Hon. D. K. Dans: A big capital "R".

The Hon. V. J. FERRY: Not only will it have the effect of pricing the minerals out of the world market, but it will also have the effect of taking away the capacity of the State to raise its own revenue through royalties. It is an erosion of any State's right to raise its own taxes through royalties.

The Hon. D. K. Dans: I was not going to speak in Committee, but now we are on to coalmining and I see something ulterior.

The Hon. G. C. MacKinnon: Leave your speech until the second Bill and let me get this one through.

The Hon. D. K. Dans: I think you should give one of your own members the nod.

The Hon. V. J. FERRY: I am dealing with natural resources of which mineral sands is one. Thank goodness we have these resources in Western Australia. It is why this State is one of the foremost

States in the economy today. Without Western Australia's resources and its earning capacity Australia would be in a much worse situation than it is today. The Whitlam Government is very grateful for Western Australia's contribution in this way.

Turning to mineral sands in particular, because of the current export policy of the Federal Government, Western Titanium has been forced to close down its 10 000 tonnes a year beneficiation plant at Capel. This has occurred in the last few weeks because of the deliberate policy of the Federal Government. This is not the only company which has been adversely affected. Westralian Sands has had to close down two treatment plants in recent weeks.

The Hon. D. K. Dans: I thought that was because of a falling demand and overseas prices. That is what *The West Australian* said, but it does not tell the truth.

The Hon. V. J. FERRY: If the honourable member cares to listen a little longer he will appreciate the line I am taking and the explanation I am giving.

Another company in the Capel mineral field has had to cut two treatment plants and allegedly lost substantial contracts because of the floor price policy of the present Commonwealth Government. In a recent debate we heard of the alleged concern of a number of members of the Opposition about the welfare of the working people in the community. Only the week before last 24 workmen in the Capel field were stood down because the beneficiation plant to upgrade ilmenite had to close. In addition there is a grave danger that other workmen will be stood down.

The Hon. S. J. Dellar: Would you like to say what grade of ore they were treating there?

The Hon. D. K. Dans: There were 80 men affected at Texada, too.

The DEPUTY PRESIDENT: Order! Mr Dans, you had an opportunity to make your speech without much interjection. It is fair enough for you to let another member have the same opportunity.

The Hon. S. J. Dellar: We will be making longer speeches in future.

The Hon. V. J. FERRY: I am indicating that another producer of mineral sands is thinking of retrenchments, but is deliberately marking time in the hope that the Federal Government will change its export policy. I understand that the Federal Government's general policy is that its mineral resources should not be exported below those prices prevailing on the world market.

I believe that urgent talks are being held right now between the Department of Minerals and Energy and mineral producers, and we hope they will be successful.

What is the good of establishing an export price policy at a level so high that our Australian resources are priced out of the market? What happens of course is that contracts are cancelled. Users overseas are turning to lower grade materials which can be upgraded for their purposes. They are turning to substitute materials and we in Australia—and particularly in Western Australia—are left lamenting as a result.

I will mention quickly that employment opportunities not only at Eneabba, but also at Capel and other areas in the south-west mineral field, are dwindling. This affects a number of people who live in the Bunbury-Capel-Busselton region either directly or indirectly associated with mineral mining. Employment opportunities will also be affected at Geraldton.

The Hon. D. K. Dans: If I had any shares in this company I would be selling them.

The Hon. V. J. FERRY: Policies must be changed to allow mineral companies to exercise their judgment in securing overseas contracts. Zircon has been priced out of the market place and the Federal Government's policy is supported by some producers in the Eastern States for very good reason.

The Hon. D. K. Dans: You are striking oil now.

The Hon. V. J. FERRY: But this does not help the Western Australian mineral fields and companies engaged in mining in this State. My great concern is that Western Australian companies should be allowed to operate profitably and fulfil their overseas contracts, thus providing job opportunities and satisfaction in this State.

The demand for the product has fallen rapidly because of this policy. Substitution of materials is encouraged. Some buyers in other countries who are in financial difficulties have been encouraged to produce zircon from reserves which previously were uneconomic to develop.

The Hon. G. W. Berry: What were they doing before?

The Hon. V. J. FERRY: I could talk for some time about zircon, monazite, and other minerals, but this is not the time to do so. I will be happy to explain it to Mr Berry at a later time.

The overseas drop in confidence in the industry is alarming because the industries overseas which have bought our product are historical users of our material. If they lose confidence in us it does not help development of the natural resources in Australia, and particularly in Western Australia. Future sales are likely to be less than the quantity our plants are capable of producing. Our plants, established at great cost, are likely to be in jeopardy because of the Australian Government's policy.

I have pleasure in supporting the Bill, and I trust the Australian Government's policy will be more realistic in the future to allow better use of our economic resources.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.17 p.m.]: I had not intended to speak to this Bill but I find the remarks made by the previous speaker irresistible.

I recently visited the Western Titanium land at Capel and was very pleased with the cordially extended to me. I appreciated the generosity of the company and the time given to showing me about the mine and explaining precisely what is being done. I would scarcely have recognised the operation from the description given by Mr Ferry.

The company indicated that its problem was concerned with declining grades and declining prices on the world market, in association with increasing costs of extraction of the product. When the company originally started it was experiencing extremely high values, but unfortunately they did not last and the company has been mining areas of approximately 14 per cent, if I remember correctly. I think the break-even point is about 5 per cent. The grades the company is treating are declining and it is hoping for an increase in world prices.

The company did not complain to me at any stage about Government policies in relation to its particular operation; I think it would have taken the opportunity to do so as I am a member of the party which is at present governing Australia.

The question Mr Ferry introduced about the effect of the charge on coalmining had not arisen at the time I was visiting the plant, but I think the company would recognise the special circumstances associated with the coalmining industry on the eastern seaboard. The charge levied on coal was consequent upon the greatly increased prices which the Australian Minister for Minerals and Energy (Mr Connor) had been able to negotiate for the coalmining companies, and there was no suggestion that any other mining industry was in a position similar to that of the coalmining industry and would be able to stand a charge of that nature.

Obviously the parties in opposition to Labor would seize on this matter to create alarm in the mining industries, as they have done in all other fields in Australia, and reduce confidence in the business sector. I said last night I believed this was being done very much against the interests of the country as a whole. I do not want to develop that theme at this hour of the night, but I will refer again to the mining operations at Capel.

The plant at Capel had been developed and improved by the company itself to beneficiate ilmenite into a higher quality product which attracted a higher price. It

was a product which was much more in demand and became much more valuable to the company, so it was in the company's interest to undertake that treatment. I believe beneficiation would be in the interests of the company's operation at Eneabba.

The other minerals—zircon, monazite, etc.—are all recovered in the treatment process, and although world prices have fallen it is still in the interests of the company to separate them out and gain whatever advantage it can from them.

The fall in world prices of course has nothing at all to do with the Australian Government or its mineral policies. So Mr Ferry is stretching a very long bow in attempting to criticise the Australian Government in relation to any problems associated with the fall in world prices of these minerals.

It is interesting to note that the plant developed by the company at Capel has opened up a new area in the treatment of some iron ores which contain sulphur. The company can extend the life of the plant by hauling these iron ores to the site and upgrading them. I hope the company will develop this process, and I am surprised Mr Ferry did not make much of that side of the industry at Capel.

The company also mentioned to me the use of the sulphur slag which is a by-product of the process there with which it is experimenting as a substitute for superphosphate. The company has been experimenting on the land it has mined and the use of this product shows some promise. It is much cheaper than the sulphur at present being utilised in the production of superphosphate.

The mining sites which have already been worked over are being redeveloped by the company as pasture lands. The work is showing some promise but there is still a long way to go before it can be demonstrated that restoration is successful. The company is approaching that point and I think it is to be congratulated on the effort it has put into the project. The company has not attempted to restore the natural vegetation on any of the land at Capel. This should be borne in mind in relation to the natural flora when the works at Eneabba are being discussed. It has not been attempted at Capel.

The Hon. G. C. MacKinnon: Yes it has.

The Hon. R. F. CLAUGHTON: It has not been attempted by Western Titanium. I asked the company about it.

The Hon. G. C. MacKinnon: It is certainly not the best but on its later efforts the company is trying.

The Hon. R. F. CLAUGHTON: I was there only recently and I specifically asked whether the company was attempting to do that. I was told it was not. I do not criticise the company for it because when one compares the area of land used for

mining with the vast territories which have been turned over to agriculture, it is an insignificant matter; and if the company can turn this land into useful pasture land—

The Hon. G. C. MacKinnon: It is going back naturally. The company is not making an attempt but it is going back naturally.

The Hon. R. Thompson: It is an improvement on what is being done at Greenbushes.

The Hon. R. F. CLAUGHTON: I am surprised the company did not show me that.

The Hon. G. C. MacKinnon: Towards Busselton where they have gone over the old railway line, they are leaving it to natural seed. It was previously cleared land, of course.

The Hon. R. F. CLAUGHTON: The company is planting a number of trees.

The Hon. G. C. MacKinnon: Yes, but it is allowing the natural little stuff to blow back. The company is not making an effort to do it deliberately.

The Hon. R. F. CLAUGHTON: I am surprised if that is so because I specifically asked questions along those lines. Perhaps I did not ask the right question.

The Hon. G. C. MacKinnon: It is a matter of the question.

The Hon. R. F. CLAUGHTON: When I asked whether the company was attempting to regenerate the natural growth I was told, "No", I took it it was not being done.

The Hon. G. C. MacKinnon: It is being naturally reseeded.

The Hon. R. F. CLAUGHTON: The drive in regeneration seemed to be wholly on the development of pasture lands. The gentleman in charge of this is extremely enthusiastic and perhaps more optimistic than is warranted. However, he has demonstrated a high degree of enthusiasm and I certainly wish him success.

Like my colleagues, I support the Bill, and trust the operation will prove successful and that environmental problems will be determinedly attended to. I could not help noting Miss McAleer's reference to the sand dunes at Leeman, where there may be some problems. Mr Masters and I are aware of the consequences of disturbing the foredunes along the coast and we hope the ill-effects in our electorates will not be displayed in this project.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.29 p.m.]: I thank members for their support of this measure. Mr Dans raised a number of matters which might be better dealt with now rather than in Committee, because he mentioned the schedule which is covered in the one vote on clause 2.

As Mr Dans said, some of the clauses are quite complex. It must be remembered that all these companies—and there are a number of them, as Mr Heitman and Miss McAleer said—really started off under the Mining Act.

For reasons of improved environmental protection they have been placed under agreements. So a number of these clauses in the schedule really have application to the Mining Act and are, therefore, pretty complex.

Mr Dans raised a query in regard to clause 10. He wanted to know whether preference will be given to Western Australian quotes. The answer is in the affirmative, and great care has been taken to ensure that will be done. Mr Dans is aware of the difficulties involved in this matter. In the main the company will have to do what has been done at Capel; that is, mine along the route of the railway line, and seek diversion of the line when the economies of the operation allow for it.

With regard to clause 8 of the agreement, this deals with additional proposals for the protection and management of the environment. The reserves in the area were created after the mining tenements were taken out, and special agreements with regard to mining on those reserves have been entered into. The company must put forward proposals which must be agreed to by the Minister before it may mine the reserves. In this case the company will use the type of regeneration in which the topsoil is pushed aside and subsequently replaced and flora regenerates from seeds which blow in from the ordinary reserves, as distinct from the case in pasture areas which will be regenerated with pasture.

Bear in mind that the bulk of our mineral sands occur along the old line of the coast and, therefore, we are mining inland areas which are not as touchy as foreshore dunes. During our discussion on this matter I was reminded of the time when you, Mr President, the late James Murray, and I visited and inspected the first installation at Capel. I wonder if you remember that trip, Sir?

The PRESIDENT: I well remember it.

The Hon. G. C. MacKINNON: Mr Dans also asked for some explanation in respect of clauses 17, 18, and 19 of the agreement. The modification of the Land Act is really the sort of thing companies have come to expect as a result of original agreements under the Mining Act.

With the exception of clause 21, which deals with further processing agreements, all the other clauses referred to by Mr Dans relate to the slight confusion regarding ownership, and the sorting out of the matter of third parties.

I hope the honourable member finds this explanation satisfactory. In view of the fact that he indicated he is not opposed to the Bill I will not go into greater detail now.

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.

MINERAL SANDS (ALLIED ENEABBA) AGREEMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.36 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement between the State and Allied Eneabba Pty. Ltd., under which a new mineral sands operation is being established near Eneabba. This will result in the transport of heavy mineral concentrates to Meru for separation and the shipping of heavy minerals through the Port of Geraldton.

The agreement is similar to the current Western Titanium Ltd. agreement, and there are another three similar agreements to follow. Hence, I shall restrict my remarks to the principal differences in the provisions in this agreement. In most cases these differences have arisen because of the different physical layout of the operations, and difference in the timing and stage of development.

Allied Eneabba Pty. Ltd. was incorporated in December, 1972, with two shareholders: Allied Minerals N.L. 75 per cent, and E.I. Du Pont De Nemours and Company 25 per cent.

The company's Eneabba project will result in expenditure in excess of \$20 million for the establishment of a mine and wet concentration plant at Eneabba, and a dry separation plant at Meru, six miles south of Geraldton, with a capacity to produce not less than 450 000 tonnes per annum of heavy minerals. Most of this money has already been spent, and the project is almost complete.

It is proposed to mine and concentrate ore at Eneabba, transport concentrates by rail to Meru for separation into component heavy minerals, and ship heavy minerals in bulk overseas through the Port of Geraldton.

A work force of 80, associated with the Eneabba operations, will be housed in 31 houses and single men's quarters in the township of Eneabba. Fully serviced blocks have been made available to the company by the State at a cost of \$3 500 per block.

Because the company has completed construction, and is now in commissioning stages, this agreement—as well as others following—does not contain the normal machinery for the main development. In this case the company has prepared an "approved project" covering all aspects of the development, including marketing and financial arrangements, but

excluding environmental management. In this way, the company did not put at risk the work already completed, as the "approved project" was signed contemporaneously with the agreement. The company must, however, submit proposals for the protection and management of the environment.

I would take this opportunity to stress that these environmental clauses are unique at this stage to the mineral sands agreements, and for the first time give the State some legislative power over the companies to adhere to its environmental management programme; that is, failure to submit or implement the environmental proposals carries the same penalty for breach as do the normal proposals required under the agreement.

Clause 9 requires the company to complete the "approved project", signed with the agreement, within one year. The company's transport operations are dealt with under clause 12 of the agreement.

The company will produce approximately 500 000 tonnes of heavy mineral concentrates at Eneabba, which will be railed to Meru for separation into component heavy minerals. The company is required also to transport all its production of heavy minerals from the separation plant at Meru to the Geraldton Port by rail.

In the period before the Eneabba-Dongara rail link is completed, the company will transport all its production of heavy mineral concentrates by road from Eneabba to Meru. This is an interim operation, and will cease immediately the rail link is completed.

In the short term, the company will transport its heavy minerals from Meru to the port by road. This situation will continue until the State deems it necessary that the company should use rail.

The freight rates set out in the first schedule to the agreement are computed on the basis that the Railways Commission will supply the railway locomotives, brake vans, and wagons at its cost. It should be noted that there is also a minimum freight payable and provision is made for the review of the freight rate if the aggregate amount from all the mineral sands industries carried by the Railways Commission exceeds 600 000 tonnes in any one year.

Clause 14 is the same as the Western Titanium agreement for the supply of water at Eneabba. The company will require 4.5 million gallons per day from underground sources.

Subclauses 14(10) and 14(11) provide for the supply of water to the separation plant at Meru. This is not covered in the Western Titanium agreement, as that company's dry separation plant is at Eneabba.

The company has paid \$386 000 for the supply of 240 000 gallons per day from the State's regional scheme. If the present field from which the company is being

supplied proves to be hydrologically inadequate to meet the needs of the State and the company, the company may be required to participate in the search for additional sources.

Clause 15 is again similar to the Western Titanium clause, and deals with the mineral lease. At this point I seek leave to table a copy of plan "A", the plan referred to in clause 1 under the definition of "mining areas".

The plan was tabled (see paper No. 296).

The plan shows 22 mineral claims registered in the company's name and coloured red, plus 11 mineral claims which are the subject of settlement yet to be negotiated.

A mineral lease in the form of the second schedule to the agreement will be issued to the company for the usual 21 years, with rights of renewal for further periods of 21 years.

Clause 18 provides for the conditions under which the company may establish its work force housing facilities in Eneabba, particularly with respect to the provision of appropriate community, recreation, civic, social and commercial amenities. The company also has an ongoing responsibility in regard to additional sewage treatment works, water supply headworks, main drainage, and educational, hospital, medical, and commercial amenities in the event of its expanding its operations.

Although the drafting is similar in both agreements, differences in application arise because Allied Eneabba has established housing facilities in Eneabba, whereas Western Titanium is planning to go to Leeman.

The clause also makes provisions for fully serviced blocks within the Eneabba townsite to be made available to the company by the State.

I have previously mentioned that the company will employ some 80 persons in Eneabba, and these people, in conjunction with the existing population and the Jennings Mining Ltd. work force, will help the development of Eneabba, and lead to the establishment of improved facilities in the townsite.

The royalty clause, and the four-year moratorium, are the same as in the Western Titanium agreement, except that there is no additional royalty provision.

The principles expressed in clause 21, dealing with secondary processing, are exactly the same as for the Western Titanium agreement. However, minor differences do exist because, as I have mentioned previously, Western Titanium does have a secondary processing plant in operation at Capel.

The final difference which I bring to the attention of the House is in respect of clause 37, which deals with stamp duty exemption. In this case the exemption

has been extended to accommodate an agreement between the company and Allied Minerals N.L. which was, in effect, a reorganisation to give the company the capability to proceed with the project.

This agreement should be seen as part of the overall rationalisation and co-ordination programme by the State embracing the Eneabba mineral sands mining industry, and I am certain it deserves the full support of all members of the House. I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan) [10.43 p.m.]: We support the Bill in principle and in detail, and hope that it receives a speedy passage through the Chamber.

THE HON. J. C. TOZER (North) [10.44 p.m.]: It is not my intention to oppose the second reading, but I feel it is essential that I draw attention to a particular aspect which I believe is somewhat unsatisfactory in almost all of the agreements between mining companies and the State which have been presented to this Parliament. I acknowledge that these agreements have great value in that they establish guidelines which can be followed during the life of each agreement, not only by the State and Government departments, but also by the companies.

It has been clearly pointed out that this agreement Bill relating to Allied Eneabba Pty. Ltd. is complementary legislation to that introduced for Western Titanium Limited, which has just been considered by this House. We can expect further complementary agreements with Jennings Mining Limited and Ilmenite Pty. Ltd., and also with the Western Mining Corporation concerning the Jurien Bay area.

My principal concern is that the part to be played by local authorities is not referred to in the Bill before us this evening. I have previously alluded to this question when I spoke on the amending Bill relating to the Western Mining Corporation at Kambalda, and of course on other occasions on Bills relating to the iron ore agreements.

No reference can be found in this Bill to the Shire of Carnamah, and in the previous Bill we could not find any reference to either the Shire of Carnamah or the Shire of Coorow. In fact "local authority" is not even included in the definitions contained in this Bill.

When roads are referred to in this agreement, the Commissioner of Main Roads is mentioned; when reference is made to water supplies and rights to water, the Country Water Supplies Department and the Public Works Department are mentioned. When railways are referred to, the Commissioner of Railways gets a mention, and in any reference to electricity the responsible authority quoted is the State Electricity Commission. However, no mention is made anywhere of

the local governing authority in regard to municipal services and the provision of public utilities. Nowhere can I find any reference to the shire council being responsible for the provision of municipal services whenever a mining project is being established.

In the schedule to Bills of this nature there is a requirement for the mining company to place proposals which have any relation to mining, treatment of ore, transport, and shipping before the Minister for Industrial Development. There is also a requirement for the company to submit proposals for roads, housing, public utilities, and other works associated with townsite facilities, including environmental management, and these are matters of vital interest to the local authority.

It does concern me that although the Minister must give his approval within two months of these proposals being submitted, he is not obliged to refer these questions to the local authority.

I suggest that adequate consultation between the company, Government departments, and the local authority does occur, and, in fact, the Hon. Margaret McAleer spoke of the co-operation given to the Coorow Shire Council. However we should ensure that a statutory obligation is placed upon the Minister to confer before he gives his approval. Without this, actions could be taken which would not be in the best interests of the local authority. I believe that is exactly what happened in regard to the operations of the Western Mining Corporation at Kambalda, and is the reason why the legislation had to be returned to Parliament for amendment.

Again, the use of facilities by a third party is another area where the local shire council should be the co-ordinating authority together with the Department of Industrial Development. This co-ordinating role should rest with the shire council, or at the very least reference should be made to it. It is most important.

Clause 18 deals with town development. It refers to the services and facilities provided in the town and the part the company will play. This, of course, is specifically the local government area of responsibility, but as far as I can see there is no obligation which ensures that the shire council will be involved in these matters.

On the question of royalties: The royalty paid by Allied Eneabba alone would not amount to a huge sum, but with four or five companies operating in the area royalties will become quite significant. It is of interest to note that the income from royalties paid by the iron ore companies in the Pilbara area is approaching \$30 million. These royalties are paid into Consolidated Revenue, and I do not object to this principle. I believe it is only proper that this income should, basically, go back to the State.

However, I think it is time the Government examined the possibility of siphoning off a small portion of the income from royalties and applying it to the provision of local services and utilities. I suggest that 10 per cent, or even 20 per cent of the royalties received by the State could be made available to the local authority so that this component of the money could be used for improvement of public utilities such as recreation areas, car parking areas, community halls, child health centres, and all the facilities a local authority has to provide and which are over-taxed as a direct result of the operations of the mining companies and their work force.

This is an important matter which has to be tackled by the Government as soon as possible. I suggest that in the previous Bill before the House we saw somewhat of a precedent being established whereby an additional royalty could be levied and used specifically for the purpose of housing assistance at Leeman.

To my knowledge the only reference to local government in this Bill is that reference to the Local Government Act which prescribes that the rating shall be based on unimproved capital value and that there shall be no discriminatory rates.

I now make mention of the factor outside the sphere of local government, but it does relate to a question vital to the people living in these areas. In clause 19 reference is made to stockpiling, reclaiming, handling, and storage of the ore by the company and, quite specifically, there is an obligation upon it to control and suppress dust in the port area.

That is fine, but I was a bit surprised that I could not find any requirement in the agreement for the suppression of dust in and around the townsite of, say, Eneabba which is close to some of the treatment works. I know that some operations involve the wet processes where the dust problem may not be great, but I am surprised that dust suppression provisions are not to be applied to the mine site in the same manner as at the port site.

One aspect to which I referred in respect of the operations of Western Mining at Kambalda is the requirement for the company to accept the cost sharing of providing infrastructure as a result of growth. I find such a provision to be quite objectionable. I cannot argue against the requirement of the company to contribute to the initial capital cost of providing the infrastructure, although I consider even this to be somewhat iniquitous.

I realise it would not be possible to build the schools, hospitals, water supplies, or the necessary public utilities in these towns if we had to wait for the State to provide them; therefore initially there is a requirement to draw capital from the companies to provide these facilities.

By the time the companies come into operation, however, I consider that we should rule a line across the ledger, and

from then onwards the State should accept its obligations for providing all the normal servicing for the people who are employed by the mining companies, in exactly the same way as the State accepts its obligations to provide them for other workers in other cities or towns.

The Education Act, for example, makes provision for the education of the children of Western Australia; it does not provide that it will educate the children of Western Australia other than those of the workers employed by mining corporations.

We are aware that the agreement, which is contained in the schedule to the Bill, was signed on the 27th June last, so there would not be much point in opposing it and, indeed, I would not wish to do that because I appreciate its great value.

What I want to do is to ask the Minister to approach the Government, and specifically the Minister for Industrial Development, to request that—in this regard we have to exclude complementary legislation relating to other mineral sands projects—in future agreements with mining companies we do give recognition to the pre-eminent part which local government obviously has to play in the planning and co-ordinating aspects of the implementation of agreements. In doing that we could avoid some of the problems which inevitably arise through lack of early consultation.

The second point I would ask the Minister to pass on to the Government is that we should ensure we do not bleed the developers to the degree where they are prevented from developing. If they are so prevented then obviously job opportunities in the area are lost, and the welfare of the district and State is harmed.

I support the second reading.

THE HON. J. HEITMAN (Upper West) [10.56 p.m.]: I shall not detain the House for very long, because we have spoken at length in the debate on the previous Bill. I am pleased to note that this project has got off the ground.

One matter which has worried me is that the project will be using a tremendous amount of water each day. I notice that the company is given the right to pump sea water for use in its operations. If sea water is pumped in large quantities, it will not do the soil very much good. We should be aware of the fact that much of the area will be lost if salt water is pumped in in large quantities.

The other point I wish to raise is that Geraldton will be the centre where most of the refining for A. V. Jennings Industries and Allied Eneabba will be carried out. Originally this was farmland, and it was acquired by the Greenough Shire for the purpose of replacing the rifle range which had been sold to the State Housing Commission by the Federal Government.

When the Federal Government sold the rifle range it promised to replace it in its entirety in another locality. So, the Greenough Shire bought this land for the purpose of selling it to the Federal Government for use as a rifle range; but the Federal Government has been very slow in implementing its promise to replace the rifle range, to carry on cadet training, and to provide civil emergency training.

The Hon. S. J. Dellar: Rubbish!

The Hon. J. HEITMAN: The time which the Government took to find the necessary money to buy the land for the rifle range proved to be too long, and so the Department of Industrial Development took the land over from the Greenough Shire. Since then the Department of Industrial Development has sold a great portion of that land to A. V. Jennings and to Allied Eneabba, to enable those companies to process the mineral sands. This land is at Meru, which is six miles out of Geraldton.

I support the Bill and hope that the companies will be able to get into production within a short time.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.59 p.m.]: I thank members for their comments and for their support of the Bill. I was a little surprised with the remarks of Mr Tozer as I know how generous the Government has been in dealing with local authorities and you, Mr President, would know about that better than anybody else. Nevertheless, the comments made by Mr Tozer will be brought to the attention of the Minister for Industrial Development.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Interpretation—

The Hon. R. THOMPSON: Mr Heitman wished the company well and said that he hopes that it gets into production. I was under the impression that the company was already in production.

The Hon. G. C. MacKINNON: I think I explained on the first measure that these companies—I think there are five of them—started under the Mining Act. I know that one or two of them are in production, and the others are so near that it does not matter.

I think I also explained that the companies could have operated under the Mining Act. It is a matter of decision or choice, and we favoured the agreement. I think that probably the major reason is the growth of interest in environmental mat-

ters which are better catered for under an agreement. I think the Leader of the Opposition is probably right.

Clause put and passed.

Clause 3 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Minister for Education) [11.03 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 9th September.

Question put and passed.

House adjourned at 11.04 p.m.

Legislative Assembly

Wednesday, the 3rd September, 1975

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

QUESTIONS (46): ON NOTICE

1.

RYE GRASS

Research into Toxicity

Mr STEPHENS, to the Minister for Agriculture:

(1) What is the present stage of research into the problem of rye grass toxicity?

(2) What are the plans for future research?

Mr OLD replied:

(1) Field studies have been made and are continuing on methods of controlling growth and spread of rye-grass toxicity by nematocide applications, cropping techniques, burning, heavy grazing and herbicide treatments. Laboratory work is proceeding on diagnostic methods for detecting toxicity, on the identification of the toxic agent (nematode, bacterium or fungus), and the chemical identification of the toxic principle. The use of therapeutic agents on poisoned livestock is also being investigated.

(2) The agronomic studies on controlling rye grass are encouraging and will be followed up in future research. Nematocidal techniques also look promising but now require economic assessment. Research on the biology