Legislative Council

Wednesday, the 3rd October, 1973

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

AUDITOR-GENERAL'S REPORT

Tabling

THE PRESIDENT: I wish to lay on the Table of the House the report of the Auditor-General on the Public Accounts for the year ended the 30th June, 1973.

QUESTIONS (15): ON NOTICE

1. KARAWARA HOUSING PROJECT

Roads

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

(1) Further to my questions on Wednesday, the 12th September, and Thursday, the 13th September, 1973, in regard to the Karawara road system, and in particular to his answers to part (2) in each case, is it not a fact that under Clause 30 (1) of the Schedule of the Metropolitan Region Scheme, the Local Authority is delegated the power to consult with any authority that under the circumstances it considers appropriate?

(2) If the answer to (1) is "Yes", why does the Minister consider that the South Perth City Council should not have consulted with the Police Department in regard to the adequacy of the road system referred to?

The Hon. R. THOMPSON replied:

(1) I do not wish to disagree with the Honourable Member's statement of fact.

(2) I have never expressed the view that the South Perth City Council should not have consulted with the Police Department. The Commissioner of Police, however, is concerned that an expression of opinion was given under his name on matters more in the nature of road design and traffic engineering.

2. EGGS

Prosecutions at Esperance

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

(1) What was the cost to the Egg Marketing Board to instigate proceedings against two Esperance producers?

(2) What was the size of the prosecuting team?

(3) How did they travel to Esperance?

(4) Why were not local legal practitioners briefed?

(5) What was the nature of the charges?

(6) What was the outcome of the proceedings?

(7) What fines were involved?

The Hon. J. DOLAN replied:

(1) Travelling and incidental expenses $340 to be proportioned as between the W.A. Egg Marketing Board and the Department of Primary Industry of the Commonwealth Government, plus Counsel fees and Court costs.

(2) A Solicitor representing the W.A. Egg Marketing Board, a Solicitor representing the Commonwealth of Australia, an Inspector appointed by the W.A. Egg Marketing Board.

(3) By Charter Aircraft.

(4) In the matter of the Poultry Industry Levy Collections Act, the Board is under instructions from the Department of Primary Industry to employ Commonwealth Crown Solicitors. There are only two legal practitioners in Esperance and either or both may have been retained by either or both defendants.

(5) Two charges against E. J. & R. J. Kent under section 32K of the Marketing of Eggs Act, 1945-1970, keeping more fowls than the number for which license to keep fowls had been granted.

Three charges against Nobard Pty. Ltd., under section 32K of the Marketing of Eggs Act, 1945-1970, keeping more fowls than the number for which a license to keep fowls had been granted. Nobard Pty. Ltd., two charges under section 10 (1) (B) of the Poultry Industry Levy Collections Act, 1965, understating hen levy returns.

(6) Both defendants were convicted on all charges.

(7) E. J. & R. J. Kent were fined $20 and ordered to pay costs of $16 on each of the two charges under the Marketing of Eggs Act.

Nobard Pty. Ltd. was fined $40 and ordered to pay costs of $18.63 on each of the three charges under the Marketing of Eggs Act.

Nobard Pty. Ltd. was fined $60 and ordered to pay costs of $14 on each of the two charges under the Poultry Industry Levy Collections Act.

The Hon. G. C. MacKinnon: Is that known as taking a steamroller to crack an egg?

The Hon. J. Dolan: They only have to obey the law.

3. DEVELOPMENT

Woodman Point

The Hon. R. F. Claughton for the Hon. D. K. DANS, to the Leader of the House:

In view of the concern of the Local Authority as to the future use of Woodman Point for public recreation, and the present activity of industry in the immediate vicinity, will he arrange to table the appropriate file covering the leasing of shoreline for the construction of off-shore drilling rigs?

The Hon. J. DOLAN replied:

Yes, but as this file is in constant use I will table the file for forty-eight hours only.

The Hon. G. C. MacKinnon: Over the weekend!

The file was tabled (see paper No. 318).

4. FUEL

Retail Prices

The Hon. W. R. WITHERS, to the Leader of the House:

In view of the Federal budget proposals to decrease subsidies to the Petroleum Products Prices Stabilisation Scheme, and to increase duty on motor spirit, will the Minister advise the retail bowser prices for standard, super and diesel motor fuels prior to the budget, and prices after all budget proposals are applied, in the following towns—

(a) Perth;
(b) Geraldton;
(c) Carnarvon;
(d) Bunbury;
(e) Albany;
(f) Kalgoorlie;
(g) Meekatharra;
(h) Wyndham;
(i) Kununurra;
(j) Halls Creek;
(k) Fitzroy Crossing;
(l) Derby;
(m) Broome;
(n) Port Hedland;
(o) South Hedland;
(p) Marble Bar;
(q) Nullagine;
(r) Goldsworthy;
(s) Shay Gap;
(t) Newman;
(u) Paraburdoo;
(v) Tom Price;
(w) Wickham;
(x) Roebourne;
(y) Karratha;
(z) Dampier;
(aa) Pannawonica;
(bb) Onslow; and
(cc) Whim Creek?

The Hon. J. DOLAN replied:

(a) to (cc) The retail prices for fuel in Perth are as follows:—

	Prior Budget	Post Budget
	cents	cents
Standard	45.5	50.5
Super	48.7	53.7
Diesel		
(wholesale)	38.9	43.7
(retail)	44.9	49.7

The retail prices for fuel in the country areas increase with the freight differential to a maximum of 3.3 cents on the wholesale price over the Metropolitan price, after which it is then subsidised under the Petroleum Products Prices Stabilisation Scheme. It is common in the South West Land Division to closely follow the Metropolitan price plus the freight differential and the additional stabilisation subsidy where it applies.

In the remote areas of the Eyre Highway, the North West and North, it is common for retailers to set their own margin dependent on their through-put and local costs. In the absence of price control, the only way the information can be gathered from the remote areas will be an on-the-spot check. Even then prices will vary between retailers.

Additional information will be collated as soon as possible and conveyed to the Hon. Member.

5. DAYLIGHT SAVING

Referendum

The Hon. A. F. GRIFFITH, to the Chief Secretary:

Further to the reply to question 4 on the 8th August, 1973, wherein the Chief Secretary advised that no decision has been made by the Western Australian Government on a referendum in Western Australia on the matter of "daylight saving", and with reference to an article in *The West Australian* dated the 22nd September, 1973, that Western Australia's electors will probably be

asked to settle the question of whether the State should have "daylight saving" in the summer—

(1) To what extent has the Government further considered the likelihood of holding a referendum on this matter?

(2) What conclusions have been reached?

The Hon. R. H. C. STUBBS replied:

(1) Not at all.

(2) Answered by (1).

6. DAIRYING

Whole Milk Licenses

The Hon. N. McNEILL, to the Leader of the House:

(1) How many licenses are currently on issue for the production of whole milk in Western Australia?

(2) What is the total annual quantity of whole milk or "quota milk" covered by such licenses?

(3) What is the total annual production of manufacturing milk from licensed properties?

The Hon. J. DOLAN replied:

(1) 755 licenses are currently held by 578 dairymen of whom 574 supply milk under contract to Treatment Plants and 4 supply milk for local sale.

(2) The current contract quantities of licensed dairymen are—

	gallons daily
Major Treatment Plants	64,442
Albany Treatment Plant	1,703
Total	66,145

Or an annual quantity of 24,142,925

(3) The estimated figure for year ended 30th June, 1973, is 14,487,000 gallons.

7. *This question was postponed until Thursday, the 11th October, 1973.*

8. KARAWARA HOUSING PROJECT

Car Park

The Hon. CLIVE GRIFFITHS, to the Minister for Local Government:

In regard to his answer to my question 2 on Tuesday, the 11th September, 1973, in connection with his decision to approve of the 20 feet road pavements in the State Housing Commission Karawara Housing development, would the Minister advise in regard to his answer to part (2) (c)—

(1) (a) Whether he was fully informed by the State Housing Commission of its detailed proposals for the immediate density development of lots fronting Boona Court, Mirreen Court and Melinga Court; and

(b) whether he was aware of the Commission's proposals for private off-street and visitors' car parking in the streets concerned?

(2) If the answers to (1) (a) and (b) are "Yes", is the Minister aware—

(a) that the Commission has subsequently submitted revised plans to the Local Authority which considerably reduces the visitors' parking facilities for those streets;

(b) that two separate authorities have advised adversely on the Commission's revised parking proposals for those streets as a result of the Local Authority requesting advice under the provision of Clause 30 (1) of the schedule to the Metropolitan Region Scheme as published in the *Government Gazette* dated the 9th August, 1963?

(3) If the answers to (1) or (2) are "No", or in any case, having regard to the advice indicated in (2) (b) above, would the Minister reconsider his decision and give consideration to requiring the Commission to provide 24 feet wide carriage ways to Boona Court, Mirreen Court and Melinga Court?

The Hon. R. H. C. STUBBS replied:

(1) (a) No, but I do not consider this relevant because roads were designed to provide access to residences only and will not carry through traffic.

(b) No.

(2) Not applicable.

(3) No.

9. MILK AND DAIRY PRODUCTS MARKETING BOARDS

Staff

The Hon. N. McNEILL, to the Leader of the House:

How many persons are employed in—

(a) the Milk Board of Western Australia; and

(b) the Dairy Products Marketing Board; in

(i) administration and clerical duties; and

(ii) supervisory duties?

The Hon. J. DOLAN replied:

(a) (i) 14.

(ii) 13 including laboratory staff of 4.

(b) (i) None. Administration and clerical duties are performed by the Secretary who receives an allowance for this purpose.

(ii) One.

10. SHEEP

Fleece Testing Service

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

(1) How many stud sheep flock owners are using the Department of Agriculture's fleece testing service?

(2) How many rams are involved?

(3) On which computer are the results programmed?

(4) Are the computer print-outs manually checked?

(5) If not, would the Department investigate past print-outs with the intention of quickly notifying flock owners who could have culled and selected on incorrect information?

The Hon. J. DOLAN replied:

(1) 128 stud flocks during 1972.

(2) 9,663 rams during 1972.

(3) The Treasury Department's Computer NCR 315 prior to 1st July, 1973. The Department of Agriculture Computer PDP11 since 1st July, 1973.

(4) and (5) Manual checks of print-outs have been carried out, but rechecking is now under way so as to ensure that no incorrect information has been provided.

11. KARAWARA HOUSING PROJECT

Subdivisional Approval

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

Further to my question 5 on Tuesday, the 11th September, 1973, in regard to subdivisions in the State Housing Commission Karawara Development, would the Minister advise—

(1) In view of his answer to part 4—do the provisions of Uniform Building By-law 203 (1)—

(a) preclude the erection of more than one house on a site unless the site is subdivided into separate site or sites satisfying the provisions of the Town Planning Development Act, 1928;

(b) does the provision of Uniform Building By-law 203 (4) provide further in any case for the preclusion of the erection of more than two houses on a site within the Metropolitan Region if the area of a site is more than 2½ acres?

(2) If the answers to (a) and (b) above are "Yes", under what circumstances can the Local Authority approve of the construction of houses for the State Housing Commission in the Karawara locality before the Town Planning Authority has granted final subdivision approval, having regard to the the fact that the State Housing Commission is required to conform to the provisions of the Uniform Building By-laws?

The Hon. J. DOLAN replied:

(1) (a) Yes.

(b) Yes.

(2) Section 373 (4) of the Local Government Act provides that Building By-laws shall not apply to buildings owned or occupied by, or under the control or management of the Crown in right of the State, or a department, agency, or instrumentality of the Crown in right of the State.

12. FARM LAND AND PASTORAL LEASES

Federal Budget: Effect

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

As it will be of great consequence to State development and economic growth, would the State Government instruct its officers in the Department of Agriculture to prepare a report on the effect of the 1973 Federal Budget on—

(a) new land areas (conditional purchase);

(b) established farming areas; and

(c) pastoral areas?

The Hon. J. DOLAN replied:

The effects on agriculture in Western Australia of the measures announced in the 1973 Federal Budget are currently being assessed.

The precise effects of some of the intended changes cannot be evaluated until details of the proposed measures become available.

13. DAIRY PRODUCTS

Manufacturing Milk Production, and Imports

The Hon. N. McNEILL, to the Leader of the House:

(1) How many properties, other than licensed dairy farms, are producing manufacturing milk commercially?

(2) What is the total annual production of manufacturing milk from other than licensed dairy farms?

(3) What is the estimated total annual production shortfall, if any, in meeting the Western Australian domestic demand for milk for manufacture or processing?

(4) For the last yearly period for which the figures are available, what was—

(a) the quantity of butter;

(b) the quantity of cheese;

(b) the quantity of milk powders;

(d) other manufactured or processed milk products;

imported into Western Australia?

(5) What was the total estimated value of all such imports?

The Hon. J. DOLAN replied:

(1) 638.

(2) 13.2 million gallons.

(3) The estimated shortfall in 1971-1972 was 28,300,000 gallons.

(4) Imports in 1971-72:—

Butter—3,293 tons.
Cheese—2,995 tons.
Milk Powders—1,631 tons.
Other milk products—4,390 tons. (mainly condensed milk).

(5) $10,206,000.

14. HORTICULTURE ADVISER

Manjimup

The Hon. V. J. FERRY, to the Leader of the House:

Adverting to my question 7 on Wednesday, the 12th September, 1973, will the Government arrange for a horticultural adviser (fruit) to be transferred on a temporary basis from the metropolitan area to Manjimup to service the important fruit-growing industry in that region until a permanent appointment can be made as a result of advertising the vacancy?

The Hon. J. DOLAN replied:

The transfer of staff on a temporary basis to meet a situation such as exists at Manjimup is normal procedure and will again be considered for the coming fruit season.

15. LAND

Packsaddle Plain Farmlets

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Has the survey of Pack Saddle Plains farmlets been delayed for any reason?

(2) What are the reasons for the delays?

(3) When will the farmlets be surveyed?

(4) On what date did the Lands Department receive the first application for a farmlet on Pack Saddle Plains?

(5) What will be the period of lapsed time from the date of that application to the time of the first farmlet release?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Survey has been delayed for several months pending evaluation of demand in the light of the fact that residences will not be permitted on any lots released. All inquirers were advised to this effect and asked whether they wished to proceed.

(3) Before the end of October, 1973.

(4) The first specific application for farmlet land on Pack Saddle Plains as distinct from general inquiries re land in the Kununurra area was received in September, 1971.

(5) Time lapse to date is 2 years—on completion of survey, release action will follow.

RAILWAY (KALGOORLIE-PARKESTON) DISCONTINUANCE AND LAND REVESTMENT BILL

Introduction and First Reading

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

PROPERTY LAW ACT AMENDMENT BILL

Third Reading

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

FIREARMS BILL

Returned

Bill returned from the Assembly with amendments.

MENTAL HEALTH ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [4.57 p.m.]: I move—

That the Bill be now read a second time.

There are three amendments proposed in the Bill now before the House, only one of which introduces a provision which does not already exist in the principal Act. The other two amendments are concerned merely with strengthening already existing provisions.

The Adoption of Children Act can be viewed as promoting the welfare of and also, importantly, giving protection to the three parties involved in the adoption processes—the natural parents, the adopting parents, and the child. Two of the amendments in this Bill have the effect of strengthening the protection offered to the participating parties in adoption.

An aim of the present Act, after all the necessary consents have been given, is to limit the period in which the natural parents can validly demand that their child be returned to them. This is to protect the adopting parents who have accepted a child for adoption into their care and have grown to love it.

However, the Act has proved to be deficient in this regard. It has been found that in certain cases the natural parent may make a valid legal claim for the return of the child, even after the 30-day period prescribed by the Act has expired.

This does not obtain in the case of a legitimate child, where it is necessary to obtain the consent of both its father and mother. However, in the case of an illegitimate child, only the consent of the mother is required and it is in these latter cases that problems have arisen.

It is the intention of the Act that a person who gives consent has 30 days after signing the consent form in which to revoke the consent. If it is not revoked within the 30 days, then the consent is irrevocable and the child can be placed with the adopting parents with a guarantee that the natural parents have no legal rights to the child.

In some cases involving an illegitimate child consent has been obtained from the natural mother and the child placed with adoptive parents on the understanding that after a 30-day period for revocation has expired, the mother no longer had a legal claim for the return of the child. Subsequently the adopting parents grow to love the child and care for it as if it were their natural child. However, it now appears that should the natural parents of the child later marry, then by operation of the Commonwealth Marriage Act the child is retrospectively legitimated back to its birth and then two consents become necessary. This then gives the natural parents a perfect legal right to demand that the child be returned to them. They can do this because as the father of the child has not given his consent the child is not available for adoption and the father is therefore able to assert his rights of guardianship.

The proposed amendment seeks to remove the necessity to obtain the father's consent should he eventually marry the mother, by allowing an order to be made if at the time consent was given it was the only consent required under the Act.

The second amendment introduces new provisions which relate to an adoption when one of the adopting parents is the natural parent of the child, and that parent and a new spouse wish to adopt the child into their marriage.

This situation can arise in the following three ways—

A woman has an ex-nuptial child and then marries;

a person is divorced and then remarries and the former spouse will agree to the adoption of the children of the former marriage; or

a person becomes a widow or a widower and then remarries.

Under the present Act if these people wish to adopt the children into their present marriage they are subject to an investigation and assessment, as are any other adopting parents, although they may have been caring for the child since birth.

The proposed amendment removes from the Act the provisions which require a responsible officer of the department to investigate and assess such applicants and report both to the court and to the director. It also removes the necessity for the director, after considering the report of the responsible officer, to form an opinion as to the suitability of the applicants to be adopting parents and to furnish that information to the judge.

Many parents who have been looking after their child since birth resent very much the requirement that they should be investigated and judged as to whether they are fit to adopt their own child. It is felt that parents in general look after and provide for the future of their child in a satisfactory manner and should not be subjected to investigation unless the department has some reason to believe that the child's welfare is in jeopardy.

The amendments, however, do provide for a judge to call for a report on the applicant regarding any of the matters which under the existing provisions the report of the responsible officer would normally cover should he—the judge—consider it necessary in a particular case. The amendment also allows the director as he thinks fit to report any information to the judge regarding the applicants.

It is also proposed that when one parent of a legitimate child is deceased and the other parent, that is a widow or a widower, remarries—and the child is the subject of an application for adoption into the new marriage of the natural parent—the relatives of the deceased natural parent be informed about the adoption application.

This provision has been added because grandparents, uncles, and aunts of such a child on the deceased spouse's side may have a great deal of love and concern for the child. Adoption will have the effect of depriving the relatives of their existing legal relationship to the child, and if they are to be deprived of this then they should be informed of the application.

The other amendment to strengthen existing provisions of the Act concerns publicity. The present Act restricts publicity of the identity of those involved in the adoptive process, but not to the degree thought desirable. At present no protection is afforded from publicity to the natural mother, her child, or the adopting parents until an application is filed. The three parties may be involved in the adopting processes for many months, even over 12 months, and the present Act does not impose a restriction over most of that period. The restriction applies only after an application is filed and up until an order is made. This is very often a matter of only a few days.

The proposed amendment extends the restriction on publicity to the three parties involved from the time they propose to be, or become, a party to an application. Entailed in this, of course, is the whole period in which they are involved in the adopting processes.

The amendment also restricts publicity regarding the identity of any person who is a subject of or party to an application for an order of adoption and to all persons who have consented to the adoption or who may be affected by an adoption order.

I commend this Bill to the House.

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

IRON ORE (MURCHISON) AGREEMENT AUTHORIZATION BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [5.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to authorise the Government to enter into an agreement with Northern Mining Corporation N.L. formalising the terms and conditions under which a new iron ore mining and processing operation may be established by that company in the Murchison region of Western Australia.

Detailed negotiations held between the State and principals of Northern Mining Corporation have led to the preparation of the draft agreement which is scheduled to the Bill. The Bill itself provides for an agreement to be executed substantially in the terms of the draft before the House.

The agreement lays down terms and conditions for the mining of iron ore deposits in the Weld Range-Mt Gould-Mt Hale-Robinson Range locations. Generally, these terms and conditions are the same as those of the Rhodes Ridge agreement and the McCamey's Monster agreement, with the exception that the railway will not be operated as a private one as has been the case in previous agreements applying to other iron ore projects in the Pilbara region.

The project which this agreement will allow to proceed is one of considerable regional significance. The initial expenditure on development is expected to be of the order of $140,000,000 to open up at Weld Range the first of a number of new iron ore deposits in the Murchison.

Simply, the project will involve the construction of a new standard gauge railway which will become a State asset at no cost to the State; the construction of a new port north of Geraldton which will be controlled by the Geraldton Port Authority and which will be able to dock bulk carriers capable of transporting 150,000 tonnes of ore, significant new growth in Geraldton, and a new mine site town to be based on an existing town in the area.

The project will obviously provide employment for a substantial work force during the construction phase, while during the early stages of mining a permanent work force of approximately 650 people will be engaged by the company. At present, Northern Mining Corporation N.L. is the only party to the agreement. However, the company has made it clear that once there is a firm agreement on which development can be planned it will seek partners from amongst parties who have shown considerable interest in the project.

Development of the project will be carried out as a joint venture which will, of course, require the normal State and Australian Government approval.

As I have already mentioned, the railway for this project will not be a private one, and in this respect the provisions of the agreement are substantially different from those in previous agreements relating to an iron ore project of this magnitude. Because of the relationship of the project to the existing State Government railway system, and the feasibility of linking the new railway serving the project and other mineral resources in the region with the existing State network, the Government has negotiated a maximum degree of control over the railway. The agreement

is a compromise between a private railway, as operated by the Pilbara iron ore producers, and a State-owned facility.

There are two basic objectives in this compromise agreement which seeks the best of both worlds for both the company and the Government. Firstly, the agreement seeks to provide a single-purpose unit train operation with exclusive, efficient use of the railway at the lowest possible operating costs. Secondly, the agreement seeks to achieve maximum flexibility to handle any traffic offering and places management in the hands of the Railways Commission, with freight rates reflecting the overall operating costs of the commission.

The standard gauge railway line which the company will construct will be built to Railways Commission standards. The route for the line must be approved by the Minister, having due regard for the shortest practicable distance between the mine and port site. All necessary land for the line will be acquired by the State at company expense, and, in return for its outlay, the company will be granted an 18-year lease over that land at a peppercorn rental.

The term of the lease was determined, in effect, to cover a three-year construction period for the railway, then 15 years of operations transporting ore mined by the company. Once the lease period has expired, the railway will become the property of the State without any payment or compensation whatsoever.

From the commencement of mining the Railways Commission will operate and maintain the railway, transporting all bulk materials for the company at freight rates which reflect actual operating and maintenance costs, plus a management fee not exceeding 12½ per cent. of those costs. Any necessary replacements to the railway will be carried out by the commission at cost to the company.

The capital cost of railway rolling stock will be a company obligation, but all maintenance will be carried out by the Railways Commission. Locomotives and brakevans will, if required by the commission, also be provided at company cost, to be leased to the commission on terms to be agreed.

Under the agreement, the commission retains the right to connect the new railway to the existing, or any new, State system and to negotiate joint use of the line with any other potential users. However, Northern Mining Company's interests have been protected with the qualification in the appropriate clause that such joint use will be subject to continued performance for Northern Mining and, during the term of the lease, equitable *pro rata* capital contributions will be made to the company in recognition of the third party's use of the railway which will have been built at cost to Northern Mining.

Because the railway will become State property, and a valuable State asset in a developing region at no cost to the State, and because of the company's difficulty in raising finance for an asset over which its ownership rights are clearly limited, the Government has conditionally offered to guarantee loan funds for the construction of the railway. Subject to proof of the viability of the project to the Government's total satisfaction, the Government has undertaken to guarantee a loan of up to $42,000,000 for the construction of the railway.

There are very clear safeguards on the issue of the proposed guarantee. It will not be issued until after the State has approved the company's proposals required under clause 7 (1) and until after the company has separately furnished to the State's satisfaction, in all respects, evidence of profitable marketing arrangements and of the availability of finance necessary for the fulfilment of all obligations under the development proposals.

The company's mining areas are shown in plan A which is attached to the agreement. The areas coloured green on the plan are those over which the company had been granted occupancy rights at the conclusion of negotiations on the drawing up of the agreement. The areas coloured blue on the plan are those over which, at that time, the company might have been granted such rights of occupancy, either before or after the agreement is executed.

Currently, the company holds both the Weld Range and the Robinson Range reserves and the Minister for Mines has given his formal approval for occupancy rights over the reserves at Mt. Hale and Mt. Gould.

Associated with the company's Weld Range areas are two Aboriginal reserves. However, since these do not comprise part of the temporary reserve, they are clearly excluded from the terms of the agreement and cannot form part of the prospective mineral lease.

The first is Aboriginal Reserve No. 21850, known as "Little Wilgie Mia" and which is completely surrounded by the company's proposed Weld Range mining area. The company has no interest in this reserve and it will not be affected in any way by the project.

The second is Aboriginal Reserve No. 16670, known as "Wilgie Mia", which intrudes into the company's proposed Weld Range mining area. The company has emphasised that the iron ore reserves in this second Aboriginal reserve are a continuous part of the Weld Range ore formation and form an important part of the ore available for the first phase of the project.

Discussions have been initiated by the company with the Aboriginal Affairs Planning Authority and the Mines Department with a view to the company securing conditional mineral rights over the Wilgie Mia Aboriginal reserve.

In order to allow such negotiations to proceed on a free and open basis it was considered necessary that no special provisions should be entered prematurely in the agreement. Early talks held between the company, the department and the Aboriginal Affairs Planning Authority have led to tentative terms of agreement.

As this Aboriginal reserve is specifically excluded from the terms of the agreement, it will be necessary for the company to negotiate further with the State for the inclusion of the area in the mining areas defined under the terms of the principal agreement, by way of an amended agreement. This can only take place when, and if, the company successfully concludes negotiations for conditional rights of occupancy with the Aboriginal Affairs Planning Authority.

Under the terms of the agreement, the company is required to carry out, at company cost, studies which include further geological and geophysical investigations and proving of the various iron ore deposits; engineering investigations of the site for the port and of the route for the railway; planning in collaboration with appropriate authorities of mine and port townsites and investigations of water supplies for townsites and for mining and industrial operations.

These investigations are to be carried out and reported to the Minister, along with reports of any consultants, before the submission of development proposals.

With respect to the proposed port site for the project, the State reserves the right to make a determination in regard to the location without recourse to arbitration. It has been necessary for the State to retain this right in order that due account may be taken of other developments, either actual or proposed, which could make joint use of the port facilities.

The provisions of the agreement relating to development commitments are similar to those in the McCamey's Monster and Rhodes Ridge agreements. They bind the company to submitting to the Minister within five years of the execution of the agreement, all proposals for development of the port, railway, mine and townships. If these proposals are submitted within the five years allowed, and if they are approved by the Minister, the company may be granted a mineral lease.

However, failure by the company to submit proposals within the specified five years will mean that the company's rights over mineral areas will cease and determine.

Within four years of receiving approval of proposals the company must complete construction of the project at a cost of not less than $80,000,000, to provide a capacity for actual shipments from the port of an average of not less than 1,000,000 tonnes of ore per year for the first two years.

Within 10 years of the date of first exports, the company is required to submit proposals for secondary processing having a capacity by the end of year 12 of processing not less than 500,000 tonnes of ore a year, building up to not less than 2,000,000 tonnes of ore a year by the end of year 16.

Within 20 years of the date of first exports the company must submit proposals for an iron and steel industry producing by the end of year 25 not less than 125,000 tonnes of processed products a year, building up to 250,000 tonnes of steel a year by the end of year 31.

As an alternative to meeting steelmaking obligations on a single-company basis, the company may submit proposals for joining with an existing or proposed steelmaking venture within Western Australia as long as this action in no way reduces the company's obligations on timing of production or volume of production.

Royalty payments are provided for in the agreement on a basis comparable with that of the Rhodes Ridge and McCamey's Monster agreements. These rates are higher than those established for earlier agreements. The company will pay 7½ per cent. of the f.o.b. value of lump ore, fine ore and fines; 14.7631 cents per tonne on iron ore products where local ore has been used for secondary processing within the State and 7½ per cent. of the f.o.b. value of any other iron ore products sold and shipped overseas.

Rental rates for all temporary reserves, mineral leases, and Crown lands needed for other purposes associated with the project have also followed the rates set down in the Rhodes Ridge and McCamey's Monster agreements, except that there are minor variations through rounding off as a result of the practical application of metrics in this agreement.

This project is a signicant one for the Murchison region and for the whole of Western Australia; and for the benefits it will bring it is desirable that it be allowed to proceed under the terms of the agreement. For this to happen, the passage of the Bill is essential.

This will be a pioneer project in its own right, comparable with the earliest Pilbara projects, because it will serve to open up an area in which there is currently no major mining development or any worthwhile secondary development of any kind.

The Murchison is an extremely mineralised region in which other companies are actively exploring, or examining the feasibility of mining operations for a range of minerals including nickel, uranium and ferrovanadium.

The provision of a major new railway, and port, to serve the region, as a result of the successful development of this project will greatly enhance prospects for successful development of other projects which are currently under investigation.

The development of the proposed new port and industrial facilities in reasonable proximity to Geraldton will be significant for the future of the town, providing new job opportunities, the need for new service industries and services, and the nucleus of an industrial centre of major regional importance. I believe it is desirable in the best interests of the future development of Western Australia that this project should be allowed to proceed without delay.

I have some plans which, with your permission, Mr. President, I would like to table. I commend the Bill to the House.

The plans were tabled (see paper No. 319).

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

JURIES ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Amendment to section 11 (2)—

The Hon. J. DOLAN: I move an amendment—

> Page 4, line 34—Insert before the word "in" the passage "in line 4 of paragraph (a) and".

This is a simple amendment and it will be necessary for members to refer to the original Act to see its purpose. The explanation I have is as follows—

> When courts of session were abolished by the District Court of Western Australia Act, 1969, the references to courts of session became unnecessary in the Juries Act and several clauses of this amending Bill delete references to court of session. The word "session" in both paragraphs (a) and (b) of subsection (2) of section 11 were references to hearings of the court of session, whereas the Supreme Court and the District Court have sittings. It was an inadvertent omission of the draftsman in preparing clause 8 not to delete the words "session or" in line four of paragraph (a) of subsection (2) of section 11 of the principal Act, while deleting the reference in paragraph (b).

The oversight was mentioned in another place where the inconsistency was noted.

However, in order to expedite the business of that House the further amendment necessary to rectify the position was preferably held over and I am asked to present it to members of this Chamber.

Even at this late stage it is considered desirable in the interests of consistency in the legislation to attend to the matter and I move the amendment accordingly.

The Hon. I. G. MEDCALF: I am familiar with the proposal. As the Minister has said, it was agreed in another place that this amendment would be considered when the Bill was being debated in this Chamber. It is only a formality. I support the amendment.

Clause, as amended, put and passed.

Clauses 9 to 32 put and passed.

Title put and passed.

Bill reported with an amendment.

NURSES ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.30 p.m.]: I move—

> That the Bill be now read a second time.

Prior to the establishment of the Nurses Board as an autonomous body under legislation enacted in 1968 the supervision of the practice of nursing was undertaken by the Public Health Department, with the assistance of a board. All finance, staff, and administrative matters were handled by the department.

When the statutory board came into existence it took over the limited accommodation used by its predecessor, later moving to more commodious rented accommodation.

The board now considers that it would be better served and more secure if it purchased its own building. It has selected premises at 1140 Hay Street, Perth, at an acceptable price which is supported by Government valuation.

The purpose of this Bill is to empower the board to raise money by mortgage so that the deal may be completed. The amendment is limited to section 16 of the Nurses Act. This section specifies the sources of funds which the board may receive.

In reviewing the need for amendment it was apparent that subsection (1) of section 16 takes no cognisance that funds of the board include an annual amount appropriated by Parliament. The opportunity is therefore taken to bring this

clause into line with present practice by recognising that such amounts commonly form part of the board's funds.

Property may be mortgaged only with the approval of the Treasurer. In addition, the Treasurer may guarantee any such transaction. This would provide the board with the most favourable terms.

The Minister for Health is satisfied that the board's desire to purchase its own building is justified, and financially sound.

I commend the Bill to the House.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE SURCHARGE) ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.34 p.m.]: I move—

That the Bill be now read a second time.

The sole purpose of this Bill is to amend the Motor Vehicle (Third Party Insurance Surcharge) Act to provide exemption from the surcharge of farm vehicles which are used for fire control purposes. These vehicles are used by bush fire brigades. Because they are used only for brigade purposes, their owners receive a free motor vehicle license and pay concessional third party insurance rates.

The bush fire brigades are voluntary bodies, the members of which provide the vehicles, and these vehicles use the roads only when going to or coming back from fire fighting. For this reason they qualify for a greatly reduced third party premium. However, as on these occasions they do use the roads and are accordingly covered by third party insurance, their owners are subject to the third party insurance surcharge of $5 per annum.

Representations have been made by the Bush Fires Board for exemption of these vehicles from the imposition of this surcharge. It has been pointed out by the board that if it were not for the fact that such vehicles are fitted at the owner's expense for fire-fighting purposes and are used in such activities, they would not leave the farming properties on which they are located.

Naturally, if this were the position, there would be no need to license them or take out any third party insurance cover as they would not be using the roads. In such circumstances, they consequently would not be subject to the surcharge. Therefore, it is proposed to give the exemption sought and provision is made accordingly in the Bill now before us.

The cost to revenue is estimated not to exceed $5,000 per annum. It is proposed the exemption apply from the 1st April, 1974, in order to give the licensing authorities sufficient advance notice of the change.

The Hon. G. C. MacKinnon: Will the vehicles still be covered, in case of an accident?

The Hon. J. DOLAN: That point is covered in the notes. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. F. D. Willmott.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes two minor amendments to the State Electricity Commission Act, one of which relates to remuneration paid to the Chairman and Commissioners of the State Electricity Commission. Section 14 (1) (c) and 14 (2) of the parent Act provide "for remuneration to be fixed prior to his or their appointment or reappointment".

An appointment could be for 5 years or reappointment for 7 years, and once appointed or reappointed the remuneration cannot be altered during the term in office. Currently the chairman of the commission is appointed for 5 years and other commissioners for 3 years, and as I have already indicated there is no provision in the Act for adjustment of remuneration during these terms.

An example of the impracticabilty of the relevant provisions of the Act is in that of the present chairman. He was appointed in September 1969 for a five-year term. The Premier approved increases in the remuneration paid to members of Government boards, committees, trusts, etc., with effect from the 1st January, 1972, but under the State Electricity Commission Act these increases cannot be applied to the chairman's remuneration. An allowance only can be paid.

Because of the inhibiting effect of the relevant section it is proposed to amend the Act to enable the Chairman and Commissioners of the State Electricity Commission to be paid such remuneration and allowances as the Governor may from time to time determine. This amendment would bring the Act into line with the provisions of section 13 (3) (b) of the Fuel, Energy and Power Resources Act.

Another amendment refers to section 22 (d), which presently provides that no contract, the consideration of which exceeds $10,000, or the performance of which may extend over a period exceeding three years, shall have any force or effect unless sanctioned by the Governor.

A sum equivalent to $10,000 was fixed in the parent Act in 1945 and has since remained unchanged. While in 1945, $10,000 constituted a very substantial sum it does not have the same significance today and the number of contracts which fall into this category has increased considerably, thus overloading somewhat unnecessarily the work of the Executive Council.

It is proposed to amend section 22 (d) of the Act to provide that contracts, the consideration of which exceeds $10,000 but does not exceed $30,000, require the Minister's approval and those in future which exceed $30,000 shall require the Governor's approval.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. Clive Griffiths.

DENTAL ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.40 p.m.]: I move—

That the Bill be now read a second time.

In the previous session of Parliament a Bill affecting several provisions of the Dental Act was passed. One of the amendments concerned the establishment of a Dental Charges Committee and a small error in wording occurred. The amendment should have referred to the committee in two places in section 51C, whereas the word "board" appears.

The purpose of this Bill is to correct the wording so that there will be no confusion between the board and the Dental Charges Committee, which is the body established and authorised to review charges under that section.

I commend the Bill to the House.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes that timber cutters, who are employed solely for the purpose of supplying timber to the deep coal mine at Collie, shall be covered under the provisions of the Coal Mine Workers (Pensions) Act 1943-72.

There are six men currently employed as timber cutters and they are covered under an award negotiated by the combined mining unions at Collie. Also, in the event of a general retrenchment occurring in the coal mining industry, any of these men could replace a mineworker on the field seniority basis. In addition to this, timber cutters accrue and qualify for long service leave entitlements under the provisions of the Coal Mining Industry Long Service Leave Act 1950-51.

Under these conditions, it is appreciated that this class of worker is an integral part of the work force in production of deep mine coal at Collie and, therefore, should be covered under the Coal Mine Workers (Pensions) Act 1943-72.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. T. O. Perry.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd October.

THE HON. F. D. WILLMOTT (South-West) [5.43 p.m.]: I have examined this very short Bill and it does exactly what the Minister stated when he introduced it. The Bill was found to be necessary consequent on the setting up of the Department of Motor Vehicles which has now become the licensing authority for vehicles within the metropolitan area. Licensing was previously carried out by the Police Department.

Because of the changeover it is necessary to alter the wording contained in the parent Act where there is reference to the Commissioner of Police. The reference to "The Commissioner of Police" will be altered and the reference will now be to "The Director of the Department of Motor Vehicles". I see no reason to delay the passage of the Bill and, therefore, I support it.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.45 p.m.]: I thank Mr. Willmott for his support of the Bill. As he said, it is simply a machinery measure to rectify a matter that had been overlooked.

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.

House adjourned at 5.47 p.m.