In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

The CHAIRMAN: We are now dealing with the detailed Estimates.

Part 1: Parliament—

Progress

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

PHOSPHATE CO-OPERATIVE (W.A.) LTD. BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly.

ACTS AMENDMENT (ROAD TRAFFIC) BILL

Returned

Bill returned from the Council without amendment.

BILLS (2): RECEIPT AND FIRST READING

1. The Perpetual Executors, Trustees and Agency Company (W.A.) Limited Act Amendment Bill.
2. The West Australian Trustee Executor and Agency Company Limited Act Amendment Bill.

Bills received from the Council; and, on motions by Mr O'Neil (Minister for Works), read a first time.

ADJOURNMENT OF THE HOUSE

SIR CHARLES COURT (Nedlands—Premier) [5.42 a.m.]: The Deputy Leader of the Opposition asked me whether we would be sitting next Friday. I cannot say for certain at this stage, but if we receive the same co-operation on Tuesday, Wednesday, and Thursday next as we had tonight we will be sitting on Friday. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 5.43 a.m. (Friday).

Legislative Council

Tuesday, the 26th November, 1974

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

BILLS (7): ASSENT

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

1. Superannuation and Family Benefits Act Amendment Bill.
2. Rights in Water and Irrigation Act Amendment Bill.
3. Lake Lefroy Salt Industry Agreement Act Amendment Bill.
4. Dampier Solar Salt Industry Agreement Act Amendment Bill.
5. Factories and Shops Act Amendment Bill.
6. Rural and Industries Bank Act Amendment Bill.
7. Money Lenders Act Amendment Bill.

QUESTION WITHOUT NOTICE

TRAFFIC ISLANDS AND DENSITY

North-West Coastal Highway, Port Hedland

The Hon. J. TOZER, to the Minister for Health representing the Minister for Transport:

(1) Will the Minister give consideration to the immediate provision of islands to channelise traffic, together with overhead lighting at the junction of North-West Coastal Highway and Hamilton Road—the entry road to South Hedland—to minimise the possibility of further serious accidents at this busy junction?

(2) What is the traffic density of vehicles travelling from or entering into the North-West Coastal Highway into Port Hedland at—

(a) the junction of the arm of the Highway going to the airport and on to Broome,

(b) the junction of Hamilton Road?

(3) What emergency control measures can be taken until a permanent solution to the dangerous existing position is provided?

The Hon. N. E. BAXTER replied:

(1) Yes. Investigations have already commenced to see what improvements are required as a matter of some urgency.

(2) Diagrams setting out the results of traffic counts taken in July, 1973, are hereby tabled.

(3) As visibility in all directions at this junction is very good the existing two "GIVE WAY" signs should be adequate. However, the Main Roads Department will investigate, as a matter of urgency, whether the signs should be replaced by "STOP" signs.

The diagrams were tabled (see paper No. 342).

QUESTIONS (6): ON NOTICE

1. *This question was postponed.*

2. LAND

Industrial Development: Port Hedland

The Hon. J. C. TOZER, to the Minister for Justice representing the Minister for Lands:

(1) Will the Minister please name the companies or persons who have been allocated allotments in the Wedgefield light industrial area at Port Hedland and—
   (a) have subsequently transferred tenure from the original leasehold to freehold; or
   (b) still retain leasehold tenure; or
   (c) have surrendered their interest altogether; or
   (d) have transferred "ownership" to other companies or persons?

(2) Would the Minister provide a complete list of the allotments and the history of ownership of each from the date of opening up the light industrial estate to the present?

(3) If possible, could the reason for relinquishment, where applicable, be stated?

The Hon. N. McNEILL replied:

(1) to (3) Information requested is contained in the documents which are submitted for tabling.

The documents were tabled (see paper No. 343).

3. STIRLING CITY COUNCIL

Rates and Finances

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Local Government:

(1) What amount was collected in rates by the City of Stirling for the 1973-1974 financial year?

(2) What amount does the city expect to receive from rates in the current financial year?

(3) What amounts did the city spend from its rate collections on—
   (a) road construction;
   (b) maintenance; and
   (c) equipment?

(4) What amount has the city budgetted to spend in this financial year in each of the above categories from rate collections?

(5) For the financial year 1973-1974 what amounts did the city receive from—
   (a) State Government sources; and
   (b) Australian Government sources;

   for expenditure on roads?

(6) What amounts will the city receive from—
   (a) State Government sources; and
   (b) the Australian Government;

   for expenditure on roads for the current financial year?

The Hon. N. McNEILL replied:

The Council of the City of Stirling has advised as follows—

(1) Rates received 1973-74—$4 003 853.99.

(2) Rates budgeted 1974-75—$5 456 817.00.

(3) (a) $396 047.
   (b) Nil.
   (c) $163 566.

(4) (a) $518 344.
   (b) Nil.
   (c) $200 559.

(5) (a) $265 171.
   (b) $1 196 287.

(6) (a) $411 080.
   (b) Not known at this time.

4. PRE-SCHOOL EDUCATION

Commonwealth Allocations

The Hon. R. F. CLAUGHTON, to the Minister for Education:

(1) What funds have been allocated to the State by the Australian Government for pre-school education for the financial year 1974-1975?

(2) What are the amounts allocated from these funds for—
   (a) capital works;
   (b) recurrent expenses; and
   (c) maintenance?

The Hon. G. C. MacKINNON replied:

(1) and (2) Details of the Commonwealth Government's funding for pre-school education are not yet available.

5. EDUCATION

Disadvantaged Schools

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

Further to my question of the 20th November, 1974, regarding disadvantaged schools, will the Minister advise—

(a) the nature of the surveys carried out; and

(b) whether information was sought from school headmasters or principals?

The Hon. G. C. MacKINNON replied:

(a) (i) A survey by the Research Section of the Education Department for the investigation of the Interim Schools Committee.

(ii) A survey of schools conducted by district superintendents in conjunction with headmasters and teachers in September, 1973.

(iii) A research investigation by Mr J. Sanders reported in *Education* Vol. 22, No. 2, October 1973.

(iv) Surveys based on socio-economics indices were undertaken by the Commonwealth Government as detailed in Appendix E, page 163, and also pages 97-103 of the report "Schools in Australia".

(b) Yes, and this information was further pursued through a series of meetings.

6. HEALTH

Industrial Odours: Midland

The Hon. LYLA ELLIOTT, to the Minister for Health:

Further to my question of the 20th November, 1974, concerning air pollution in the Midland district, will the Minister advise—

(a) the sources of odour detected by departmental officers;

(b) what corrective action has been implemented; and

(c) what further steps are contemplated in view of the continuation of the nuisance?

The Hon. N. E. BAXTER replied:

(a) (i) An offensive trade establishment.

(ii) Abattoir.

(b) (i) Fume incinerator installed at the offensive trade establishment.

(ii) Defective processing equipment at the abattoir has been corrected and methods of waste water disposal are being improved.

(c) The effect of the improvements is currently being measured by departmental and local authority officers. The results will determine further action.

RESERVES BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [4.44 p.m.]: I move—

That the Bill be now read a second time.

This Bill is usually introduced towards the end of each session of Parliament, to enable the Lands Department to include the full year's variations as far as possible to avoid holding them over until the following session.

The Bill now before the House proposes seven effective variations, and I intend to offer a brief explanation in relation to each of these.

Clause 2: A large number of reserves at centres throughout the State were set apart as endowments to provide a source of income for the trustees of the Public Education Endowment appointed under the Public Education Endowment Act, 1909. Fifty-eight of these reserves remain, of which 44 are vested in the trustees by way of Crown grants in trust, and 34 of the total are Class "A" reserves.

In 1970 the Act was amended to authorise sale by the trustees of any land vested in them, and transfer of the land to the purchaser free of all trusts. Previously, the trustees required parliamentary authority for such sales, and any Class "A" reserve requiring amendment or cancellation could be dealt with as part of the same clause in a Reserves Act.

As the trustees can now sell land without seeking special parliamentary approval, it is expedient to reduce all remaining Class "A" reserves to Class "C". These reserves can then be adjusted at the time of sale without further authority having to be obtained from Parliament to comply with the requirements of section 31 of the Land Act, 1933. The reservation will still provide satisfactory identification of land use and control until the trustees wish to dispose of the land.

Clause 3: Stirling Range National Park contains 115 683 hectares comprised in Class "A" Reserve No. 14792, and includes a small section at Hamilla Hill severed from the main reserve by a farm. This section was added to the reserve to protect outstanding flora, but does not include the whole of the hill. The farm is established on Plantagenet locations 4521, 7034, and 4353, and contains part of Hamilla Hill as well as being severed by a narrow section of arable land within the reserve but not containing flora of note.

The proprietors of the farm suggested that the strip of national park be granted to them by way of exchange for two sections of their farm on the lower slopes of Hamilla Hill. After an inspection the National Parks Board agreed to the request and the three parcels of land have been surveyed to enable the exchange.

Clause 4: Portion of Langley Park is set apart as Class "A" Reserve No. 17826 for park and gardens, and is vested in the City of Perth. A sewerage pumping station is established on Class "A" Reserve No. 13950 which abuts on the west and is controlled by the Minister in charge of water supply, sewerage, and drainage. Closure of portion of Terrace Road deprived the pumping station of its access, and the City of Perth has agreed to the excision of a strip five metres wide from Class "A" Reserve No. 17826 for addition to Class "A" Reserve No. 13950 to provide for an outlet to Adelaide Terrace.

Clause 5: For several years, the Esperance Bay Historical Society and the Shire of Esperance have been seeking a site for a museum. In 1971, it was decided that a small section of Class "A" Reserve No. 26838 set apart for parklands opposite the superphosphate works would be satisfactory. No objections were recorded and a clause to excise a suitable area from the reserve was included in the Reserves Act of 1971.

Before the intent of that clause could be carried out, the proprietors of the superphosphate works drew attention to a prior arrangement that this reserve would be kept intact to provide a strip of vegetation as a buffer between the works and other land users. It was stressed that the museum would inevitably lead to disharmony, and the company felt so strongly that if offered payment of $1 000 to the Historical Society to reimburse expenses and assist in establishment elsewhere.

An excellent museum site incorporating a large railway goods shed has now been made available and the company has paid $1 000 to the society. This clause will reinclude the redundant museum site in Class "A" Reserve No. 26838, and so preserve the buffer of vegetation opposite the superphosphate works.

Clause 6: Class "A" Reserve No. 24939 at Farrar Siding was set apart for recreation in 1958 to meet a demand then existing. It was formerly the bulk of land in a redundant railway water supply catchment and includes the dam, which at that time was salt. The balance of the catchment was sold under conditional purchase in view of the state of the dam. In recent years this dam has filled with water acceptable for farm use and has been used as a source of supply in dry seasons.

The reserve is at present vested in the Shire of Kojonup, but after discussion with the Public Works Department it has been agreed that administration would be better suited by altering the purpose to "Water and Recreation" and transferring control to the Minister for Works, and Water Supplies. Power to lease will provide means of delegating control of recreation activities to the shire.

Clause 7: Reserve No. 1275 contained 5.276 1 hectares when it was created in 1887 to provide a park at Wyndham. In 1908, the purpose was changed to recreation and parklands and it was classified as of "A" class, but the reserve has never been vested in any organisation and no evidence remains to show that it was ever developed for its purpose. In 1929 a substantial section was excised for use as a cemetery, and in 1963 another reduction provided a small residential subdivision as well as portion of a block identified as Wyndham Lot 611, these actions leaving a residential area of 1.783 1 hectares.

Lot 611 was designed as a site for a camp and depot operated by the Public Works Department, but the structures overflowed on to abutting reserves. This camp and depot is a major district establishment and the Shire of Wyndham-East Kimberley has no objection to reservation of all land required for that purpose. A new lot surveyed as Wyndham Lot 1366 has been created so that the whole area occupied by the Public Works Department can be set apart as a single reserve. This will leave 9 637 square metres available for recreation if need should arise.

Clause 8: Kalbarri National Park contains 186 623 hectares comprised in Class "A" Reserve No. 27004 and one boundary adjoins the Red Bluff Caravan Park. It has been found that the rocky terrain on which the caravan park is sited does not permit adequate absorption of drainage and waste, so the lessee requested inclusion of an area of deep sand at present within the national park. Both the Shire of Northampton and the National Parks Board agree to this solution and it is proposed to excise 3 180 square metres from the national park and extend the caravan park.

I commend the Bill to the House.

THE HON. S. J. DELLAR (Lower North) [4.53 p.m.]: As the Minister explained, this Bill is introduced about this time in the session to amend and reclassify certain Class "A" reserves throughout the State. It is an annual measure, and we do not object to it.

The Minister has explained the various amendments to be made. There are five amendments to Class "A" reserves, and various Class "A" reserves which were established for the purpose of education endowment reserves at various centres are to be reclassified as Class "C" reserves. The measure provides for one change in the purpose of a reserve, and this amendment has been explained by the Minister. None of these changes affect my particular electorate, but it is possible other members may wish to say something about them. However, the Opposition has no hesitation in accepting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

TEACHER EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 20th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.56 p.m.]: This short Bill is to change the composition of the boards of the teacher training colleges, mainly by increasing the number of nonprofessional members. The existing situation is that each board comprises the principal, who is the chairman, five persons from the academic and other staff of the college, not less than one person and not more than two persons from the student body, and lastly, not less than two persons and not more than four persons from the general community. When all these persons are appointed to a board, it would have a total of 12 members.

The Bill proposes two major alterations to the composition of the boards. Firstly, the principal is to be joined by the vice-principal and the deputy vice-principal of each college, so that the three administrative heads of a college will then be *ex officio* members of its board. The principal will remain the chairman, but I assume in his absence, either the vice-principal or the deputy vice-principal will take his place. As these people will now be members of the board, they will be conversant with the matters being discussed.

The Bill provides that the number of persons chosen from the general community will be fixed at four, rather than no less than two nor more than four as at present provided. Lastly, the four persons who are to be appointed by the Minister may now be selected by him from a much wider area, although the Bill lays down that they must have an interest in the field of education.

One of the matters mentioned by the Minister in his second reading speech was the fact that the colleges intend to widen the scope of the studies that they undertake.

We know that Churchlands Teachers' College has been advertising for staff for the Department of Business Studies. We could assume there is good reason for having on the board persons who can be selected from the areas which the college is embracing in its field of studies. From that point of view, there would certainly be no objection from my side to what the Government is doing.

However, I have been surprised when making inquiries about the legislation—that surprise was reinforced today, when I was contacted by a number of persons on the staff of the college—to learn that the Government does not seem to have canvassed these amendments outside a very narrow field, which I assume would be the council of the authority.

It may be felt that because the council itself is representative of the academic groups having a special interest, that would be sufficient and the council would make the particular bodies aware of what is going on. However, we know that in the course of preparation, these matters are regarded as confidential and it is quite obvious that there has been no reference of these amendments to the professional bodies particularly concerned.

For instance, when I spoke to the Secretary of the Teachers' Union, he said he knew nothing about the legislation. Since a strong change is being made in the balance of interest on these boards, one would have felt that the Government would be concerned to see that the opinions of these groups was sought. That the Government has not done so can only cause the groups to be surprised and annoyed at the manner in which this legislation came to Parliament; namely in almost the last week the House is to sit, leaving them very little time to examine the implications of the proposal.

I would say to the Minister that the groups in question would very much appreciate the Government delaying this legislation so that they could meet and discuss what the legislation means to them. That does not seem to me to be an unreasonable request and I hope the Minister will accede to it.

I am not going to oppose the Bill at this stage; it obviously has some virtue in that it increases the number of representatives of community groups, who could offer lay advice and opinion of considerable value to the board in the setting up of courses, if in fact the colleges do widen the scope of their studies. That could be a valuable move.

The provision requiring a representative of other than academic staff of the colleges to be a member does not meet with opposition; I believe it was simply an oversight that this was not made clear in the original legislation. So, those matters meet with our general support.

The Secretary of the newly-formed Academic Staff Association of the Western Australian Teachers Colleges (Inc.) is most concerned about the changed balance on the board; no information was provided in the Minister's second reading speech as to why this change is being

made. The Minister did not indicate where the request for the change arose; he simply said that, "experience had shown . . .", or words to that effect.

The Hon. G. C. MacKinnon: You have lost me. You are implying that there are power groups within the board and that someone has lost control. What do you mean by "changed balance"?

The Hon. R. F. CLAUGHTON: The Minister may have read that implication into what I was saying; in fact, it was not what I meant.

The Hon. G. C. MacKinnon: That is why I asked the question. I am at a bit of a loss.

The Hon. R. F. CLAUGHTON: I think it would be unfortunate if I gave the Minister that impression. I believe I did use the term, "changed balance on the board"; I think that was an unfortunate term to have used.

The Hon. W. R. Withers: You did say "changed balance" because I made a note of it.

The Hon. R. F. CLAUGHTON: To express it slightly differently, I believe the professional, academic staff most concerned with the operation of colleges and their general welfare are unhappy at the change of representation of the academic staff. They believe that what is needed is, primarily, a professional opinion; they do not disagree that there should be other opinion, representative of the general community, on the board. However, they feel that the main representation should be from those persons most closely involved with the administration and conduct of the courses at the colleges.

Recently, I received a copy of a letter from Mr J. R. Prestage, Secretary of the Academic Staff Association, addressed to the Minister for Education. It must be remembered that the association has been able to put together this opinion after only a very quick look at the amendments; it has not really had time to study all the implications of the legislation. Members must also realise that at that time, members of the association understood the legislation had already passed through the Assembly; they believed it was to make its passage through this Chamber today; I was able to reassure them on that score. The letter reads—

> Dear Sir,
>
> Re: Amendments to Teacher Education Act.
>
> The Academic Staff Association of the Western Australian Teachers Colleges Inc. wishes to express its grave concern over the amendments to the Teacher Education Act (on the agenda for Parliament today). The alterations proposed will alter significantly the composition of the Boards of the Teachers Colleges.
>
> Whatever the merits of the proposed alterations this Association is concerned that neither the Boards of the Colleges nor the staff were consulted on the proposed amendments, despite the assurance you gave that the Staff Association would be consulted on amendments to the Teacher Education Act.
>
> The Association requests that the proposed amendments be deferred until the Boards and the Staff Association have been consulted on this matter.

I understand that the Minister believes he did not give such an assurance to the Academic Staff Association.

The Hon. G. C. MacKinnon: I have in my hand the minutes of the particular meeting to which you refer and I can find no reference in these minutes to such an assurance.

The Hon. R. F. CLAUGHTON: Well, a difference of opinion exists and I think it would be an advantage to have the matter clarified. I suggest that the Minister permit the debate to be adjourned so that the association may have a chance to spend at least some time in a quiet, restful study of the legislation; it should feel free from any pressure which may prompt it, perhaps, to make rash moves in an attempt to have the Bill delayed.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.12 p.m.]: I thank Mr Claughton for his comments on the Bill. I have noted that his attitude towards the Bill is one of acceptance on the basis that the Bill is presented; namely, that it involves, in fact, a widening of the representation on the board. As I said in my second reading speech, the teachers' colleges are in the process of widening their franchise—if I could call it that—or their course of studies into different elements.

Mr Claughton has requested that we defer consideration of the Bill so that discussions may ensue. A number of approaches have been made to me on behalf of members of the Academic Staff Association of the Western Australian Teachers Colleges (Inc.) about a variety of matters; Mr Claughton dealt with some of those matters. He covered all the queries that were brought to my attention by that group, headed by Mr Prestage, the secretary of the association. While I do not particularly want to labour the point, it was interesting that Mr Claughton used the words "balance of power", when referring to the changed composition of the board. This is an interesting aspect of the matter.

The Hon. R. F. Claughton: They were my words, not the words of the association.

The Hon. G. C. MacKINNON: I realise that; however, I wonder whether someone has used the words in discussions with Mr

Claughton. It seems to me that we should have as wide a representation as possible on a body such as this.

Some comments have been made with regard to the deputation I received. I have in my hand the minutes of my meeting with the deputation; they were typed from a tape recording of the meeting. The deputation was brought to me and introduced to me by Dr Dadour. Those present were Mr V. Mitchell, Mr J. Prestage, Mrs Heather Haselhurst, Mr Mike Cullen, and Mr Cam Riley. We used a Grundig tape recorder which I inherited from my predecessor, Mr Dolan, and the notes were typed by my stenographer at that time. She has now left on accouchement leave —a classic term, I understand.

The matters raised in that document were the amendments relating to the constitution of the council of the authority. There was discussion about this and the possibility of enlarging the membership of the council of the tertiary education authority. I said I thought it was large enough in effect and representative enough in the main. There is, however, some room for other people and on request I have given an assurance that there will be appointed to that council a member of the legal fraternity. There is no member of the legal fraternity on the council at the moment.

I agreed to look into the matter further because the question was raised that so far as the council was concerned there were restrictions as to who could be co-opted. It was pointed out that great value ensued to the principals through being members of the council, and there should be equal representations on the council of principals and staff. The deputation was told that I was aware there was a certain amount of opposition to increasing the size of the council, but since the council was more likely to conduct most of its business through committees the size of the council itself did not matter.

It was the council that was discussed. The next matter that was considered was the advisory committee and that it be fully representative of all sections. But there was no mention of the college boards. There was some question of my having given the association an assurance with regard to college boards, which is the matter being dealt with in this Bill. The question of the college boards was raised and in fact the deputation asked the Minister to consider section 38 (1) (b) (ii) in order to make provision in college boards for representation by nonacademic salaried staff, and an amendment to this effect is included in the Bill. The deputation said that some colleges made specific provision for nonacademic staff representation whilst others left the situation completely open.

Some members of the deputation expressed concern that a time might come when the nonacademic staff outnumbered considerably the academic staff, and I said I would have a look at that aspect.

The next matter raised was the fact that it was possible for the principal of a college not to be on the committee and Mr Dettman and Mr Traylen gave an assurance that in no circumstances would the council appoint a selection panel without including the principal of the college concerned. Again, there was no assurance given with regard to the college boards. I promised to consider this and discuss the matter further with Mr Traylen and Mr Dettman.

There was then raised the question of the Academic Staff Association of the Western Australian Teachers Colleges (Inc.), because the original legislation did not recommend the Academic Staff Association; it recommended the staff of the individual colleges. This has developed and has come about since I made some effort—in which I was not successful—to do something about this.

The report of the deputation then goes further and deals with housing funds, which do not really matter. Conditions of service were also discussed, which again had nothing to do with the boards of the college.

The last paragraph of the report on the deputation is interesting in the light of some of the criticism that has been raised because the reports states—

> Finally the Minister stressed that he was anxious that the Academic Staff Association of the Western Australian Teachers Colleges (Inc.) and other associations within the Colleges should work as a professional body and that in general recommendations should come to the Minister only after full consideration by all of the parties concerned, including the Council of the Authority and the Western Australian Tertiary Education Commission.

Recommendations to me should not come from individual groups; they should, in fact, come through the authority to me. This is what is happening and I think it is the appropriate way to handle these things.

Bearing in mind all these aspects, I simply do not believe that any good purpose can be served in delaying this legislation. I feel it ought to proceed in order that we might widen the scope of the board. It is not an easy matter to make the sort of selections we are looking for; and Mr Claughton obviously spoke from his long experience in the education field when he said he could not see any objection to extending the general representation on the board.

I do not think it must ever be seen that these boards are positions where one group is looking for some degree of control; and I do not think this would happen.

What we are looking for on boards of this nature—which are dealing with the training of teachers at the present time, and which ultimately will deal with the business side—is a consensus of opinion as to how this can be best served within the framework of the constitution and the philisophy of the individual colleges.

From what Mr Claughton has said it is clear he has no argument with this. Some doubt has been raised because of certain allegations to the effect that I have given certain assurances. I am sure most members are aware that as Minister for Education, I receive at least as many deputations as any other single Minister in Cabinet. It has been my practice to keep a precis record of these deputations, and there is no reason at all why these should be in any way tampered with. The first time I saw this document I initialled it and it was filed away. To the best of my knowledge it is a factual report of what happened; because the lady who typed it would have no reason at all to make modifications to the report. She merely types these reports as she hears them coming off the tape. They are typed in precis form, though at times they are typed in detail.

Accordingly, taking all the facts into consideration, I think we should proceed with the measure, because the doubts raised by Mr Claughton, were only with regard to my assurance, given to the association members.

Incidentally, I have checked this matter with Dr Dadour—and there are people here who have heard him state in another place that he was quite sure that my account of what happened at that deputation was factual and complete; and as no such proposition as that suggested was made at the time I think we should proceed with the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 38 amended—

The Hon. R. F. CLAUGHTON: I believe the Minister is doing himself an injustice in pushing this Bill through. I ask that it be delayed long enough to give the Academic Staff Association an opportunity to meet, discuss the proposals, and bring its recommendations to the Minister. From what the Minister read from the report of the deputation he received the impression could easily have been obtained that no change would be made without discussion with the associations concerned. I understood the Minister to read from these notes that that sort of process would take place. That action would only be taken after the recommendations had come back to the Minister. There is very little we can do to prevent the progress of the Bill but I would ask the Minister to report progress and to graciously allow the academic staff to consider it and convey their opinions to him.

The Hon. G. C. MacKINNON: Unlike most pieces of legislation this Bill was introduced in this Chamber. It must pass through this Chamber and be considered in another place. So there is time for the matter to be discussed, and I can see no reason to delay the measure here. I give Mr Claughton an assurance that I will have the matter considered in another place. Most members desire to see the session draw to a close, and the action intended is quite often taken. This would give adequate time for anyone interested to hold meetings and make recommendations. I will have these considered at the other end.

The Hon. R. F. CLAUGHTON: That is the sort of assurance I was seeking and I would go along with it.

The Hon. G. C. MacKinnon: I would be glad to give that assurance.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.30 p.m.]: This Bill is designed to implement part of the Liberal Party's election promises. I believe it is one of those parts which is most lacking in wisdom.

The Hon. G. C. MacKinnon: That is an expression of opinion of course; not a fact.

The Hon. R. F. CLAUGHTON: Yes, just as are the statements of members of the Liberal Party.

In 1971 Western Australia had 124 kindergartens or pre-school centres. By 1974 the number was 286, which is an increase of 162 in three years. On the 7th August this year it was expected that a further 23 would be opened for the beginning of the next school year. In other words, there

was an average of over 50 new centres in each of the previous three years, with only 23 by the beginning of next year. This represents a dramatic drop in the number of new centres being constructed.

It is evident that in the three years of the Labor Government, the number of pre-school education centres increased rapidly and there is no doubt that the percentage of the child population would have continued to increase at the same rate, had we been fortunate enough to remain in office. Now, we have an entirely new situation because this Government is proposing to site kindergartens—

The Hon. G. C. MacKinnon: Are you getting this Bill mixed up with the next one?

The Hon. R. F. CLAUGHTON: I do not know whether the Minister is becoming mixed up, but I am dealing with pre-primary centres.

The Hon. G. C. MacKinnon: That is the point. You seem to be talking a lot about pre-school education, and as the next Bill is the pre-school Bill, I thought you might be getting the two Bills mixed up.

The Hon. R. F. CLAUGHTON: The Minister might get mixed up, but I assure him I am not confused at all in relation to this matter.

The Hon. G. C. MacKinnon: You frequently are.

The Hon. R. F. CLAUGHTON: The public at large could be excused for being confused about the Government's intentions. It is proposing to construct six experimental centres, and these are well under way and will be operating at the beginning of next year. I am not too sure whether any of them is operating at the moment, although I doubt it. So we have 23 of the previous kindergarten-type centres opening, and a further six of the new style which makes a total of 29. This represents a dramatic drop in the progress which pre-school education was experiencing under the Labor Government.

We were able to undertake this programme partly because the Australian Government had offered assistance, and we know that for the financial year 1973-74 a sum of $1 106 497 was available to the State from that source. All that was allocated for the programme, some being spent on the construction of new buildings. We did propose to reduce by half the fees paid by parents, and then at the beginning of the following year the levy was to be abolished altogether. Consequently a considerably increased number of children would have been able to enjoy pre-school education of the sort which will be available to those in the pre-primary school centres. Certainly the number would have been considerably more than will be the case under the Government's present programme.

A number of times the Government has changed its thinking on this policy. When in Opposition the Government originally proposed the inclusion of children in the year they turn five in the normal formal school stream. That proposal was changed to a noncompulsory admission; and, finally, it has arrived at what is little more than a programme to construct kindergartens on school sites. This resulted in a number of things of varying importance.

First of all the teacher will be no longer in charge. She will come on the bottom of the school rung under the control of the principal of the school. Obviously she must fit in in the same way other teachers do in regard to the manner in which the school is administered according to the desires of the principal. That is one of the first and more serious consequences. The second is that the teachers will be at the lower end of the school stream. One of the unfortunate aspects of our school system has been the relatively lower status of grade 1 teachers compared, for instance, with a grade 7 teacher. Because the grade 1 teachers are dealing with younger children, it seems their status is consequently lower. That type of attitude undoubtedly will transfer to the teacher in the next grade, and so on down to the end of the line to, in this case, the teacher in the pre-primary school centre.

We must remember that the kindergarten movement in this State has been able to build and maintain its high standards because it has been operating as a separate organisation. The teacher is at both the top and the bottom in pre-school centres. The kindergarten movement set its own standards, which have been consistently high, and this has been the situation over the number of years I have been associated with the movement.

That is the loss the teacher will experiperence, but I believe that in the end the children also will suffer a loss. It will be very difficult to maintain the standards in those centres which are to be attached to the whole education system.

If the Government wishes to locate these centres on the same sites as, or close to, primary schools, this could be done while, at the same time, retaining the current separate organisation the board at present enjoys.

The board is doing a good job and those involved are extremely dedicated to the cause. It is quite obvious, from its growth over the past few years, that the movement would have been very fortunate to be able to expand at a faster rate than it has; and I doubt very much whether the same rate of expansion will be enjoyed under the new arrangement the Government is entering into.

Originally one of the benefits proposed was that an exchange of grade 1 pupils could be made with pupils from the pre-primary group. It has since been denied

that this will occur. At a meeting I attended it was also stated that it would not occur now, but that it could in a few years' time.

The Hon. G. C. MacKinnon: Who denied that?

The Hon. R. F. CLAUGHTON: I did not come prepared to quote many statements. If I have made a mistake in that comment I will withdraw it. I would not like to be inaccurate. However, it has been proved that it is difficult for children to make the transition from a pre-primary centre into a grade 1 class. The children in the two groups develop at different rates. There is a drastic difference in the education received. The education in the primary school is much more formal than are the arrangements in the kindergarten. I think it would be desirable for the grade 1 children to adopt a more informal programme, but this would be very difficult if the two groups were combined.

It is difficult to visualise how the scheme the Government says it would like to introduce can be implemented. I have seen the plan and heard the detailed proposals of the Scarborough junior school. I understand the area for the pre-school children is to be fenced off in the same way a kindergarten is fenced so that no interference will be caused to the rest of the school by the pre-school children.

Without going into all the educational aspects I want to emphasise that it is very difficult to combine the pre-school education with that normally undertaken in primary schools.

One idea which has been mooted is that we could have a junior school system similar to that which has been in existence in England for a long time. However, a drastic change would be required in Western Australia to allow the implementation of such a programme. The experience of the other States seems to have been that when the pre-school children were placed in the normal schools, a far more formal type of education resulted because of the circumstances. No matter how good the will or intentions may be, this should not be allowed to occur.

The other point is that unless we build new centres on school sites we will have the problem of converting existing centres which may or may not fit in in the way they have been able to do at Scarborough. Very few schools in the State have separate junior primary schools as that school does, and obviously they do not all have sites similar to that at the Scarborough school. At several schools in the older suburbs it would be extremely difficult to introduce planning of that kind.

Direct approaches have been made to me regarding the centres at Balingup and Greenbushes and the likely effect these two centres will have on the pre-school centres at Bridgetown and Donnybrook. It must be remembered that no fees are payable at the new centres, and also that the children will receive free bus travel. Neither of those advantages will be available for the children who attend the pre-school centres. In answer to a question I asked last week, the Government said it did not intend to abolish the levy, which would at least help to equalise the situation for the parents whose children will have to attend the existing pre-school centres.

In effect, the Government is creating a division in our society, where the children who attend the new centres will have a great deal provided for them. There will not be the same necessity for parent activities to raise funds to equip the centres, and no levy or fee will be charged for attendance. That cannot be a desirable situation.

Further, if this programme expands we will not only have the problem of finding suitable sites, school grounds, or old school buildings which will obviously not be available in all areas, but we will also find that the existing pre-school system will no longer be catering for children in the year they turn five. The centres will develop into child-minding centres because of the reduced age and scope and the different ages of the children, and there is quite a difference in the ability of children of those two ages. I believe the teachers in that system will regret very much, and perhaps even resent, the changes which are being forced upon them.

So we can see there is very little gain for the teacher. It has been said that she will probably meet and talk with other teachers. That could not be said of people who teach at primary schools; they are very much on the job and although they are on the site with other teachers most of the day they see very little of them because when they are not in the classroom they spend a great deal of time on supervision out in the playground. There would therefore be more opportunity for contact and exchange between the teachers in the two areas—pre-school and primary school—if it were set out as a deliberate policy and actual arrangements were made to meet together, sit down, and discuss mutual interests and problems, which is less likely to be possible in the normal workaday activities. The kindergarten teacher is very much involved with the children and, because of her great responsibilities, she simply cannot afford to relax during the time she has them under her care.

It is a question, then, of precisely what the Government has in mind and the rate at which it intends to expand these centres. I think the Government should keep to this half a dozen centres for at least several years before it proceeds to build more, because it would take at least that time to understand thoroughly what

their value will be. If, as I believe, the Government is making a mistake, the mistake will be with us for a long time and it is a very expensive mistake.

If the Government has in mind schools along the lines of the English junior schools, it is not part of the experimental programme at this time, and it would need to be on a trial basis to see how it fits in with our system here. The kindergartens as we know them have operated very successfully. The funds the Australian Government was allocating to the States ensured that one of the main faults was eliminated; that is, kindergartens catered, in the main, for the children of better-educated people who were naturally more fortunate, and the disadvantaged children were not obtaining this kind of experience, although they are the children who are most in need of education. That imbalance was being corrected through the funds distributed by the Australian Government and I believe that programme was far more valuable than the programme the State Government is now undertaking.

We do not intend to oppose the Bill. It is part of our policy that there should be free pre-school experience for all children. Funds from Australian Government sources are being directed to this purpose. The Government has given the Teachers' Union an assurance that the funds to be used would not normally be applied to education in this State. The Minister said they were not funds from State sources. They are obviously funds from Commonwealth sources. Had the Labor Party been in Government it would have continued towards providing pre-school centres, and in 1975 it would have abolished the levy upon the parents of children attending the centres.

Because it fits in with our own policies, we do not oppose the Bill. I simply say that the Government's move is not full of wisdom; it is a less wise decision among a number of others, and I hope the future does not give us too much cause to regret the undertaking.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.55 p.m.]: At the last State election the Liberal Party's policy contained this statement—

> In primary schools we will lower the admission age to the year in which the child turns five.

People, generally, had the impression that meant exactly what it said—that children would enter primary school a year earlier. No reference was made to pre-primary centres run along kindergarten lines. The Teachers' Union obviously thought that was what the Liberal Party's policy statement meant, because its annual conference agreed that teachers should refuse to enrol children of that age in primary schools.

We now find a change has taken place, as with other aspects of Liberal policy, and the Government does not intend to lower the age for admission into primary schools. Children will not be going into primary schools a year earlier; they will be going into the pre-primary centres which will be located on school grounds. It is certainly an improvement on the original concept, and I think people who were opposed to the original policy as they understood it to be are more inclined to accept the new concept. However, some misgivings are still felt about what the fragmentation of pre-school education will eventually mean to the children, when some of the children will be in centres run by the Education Department and others will be in centres run by the Pre-School Education Board.

I think the greatest fear is that the standards observed in the pre-primary centres will deteriorate. I recently read a statement made by Mrs Barbara Jones, of the Pre-School Education Board, when she returned from a trip to Brisbane. She had a look at the situation there, where the Education Department runs the pre-school centres. I imagine it is a similar set-up to that proposed for Western Australia. In her report she said the first pilot pre-school centres in the Education Department scheme were very good and conformed to the Australian Pre-School Association standards, but that was not the case with the later centres which did not reach the same standards in many areas.

The Hon. G. C. MacKinnon: Did she actually say that or did she say she feared they might not?

The Hon. LYLA ELLIOTT: I have her statement here. She said—

> I found a most unhappy situation had developed, with an apparent future take-over of all pre-school education by the Department and a feeling of concern that the Department is officially lowering standards set up by pre-school professionals over a long period of time.

The Hon. G. C. MacKinnon: It is a fear for the future.

The Hon. LYLA ELLIOTT: If I could continue, she said—

> Some of the complaints are . . .

Not "Some of the fears".

The Hon. G. C. MacKinnon: You read it out. Concern is expressed because, other than the pilot projects, none of the subsequent centres has been built in Queensland.

The Hon. LYLA ELLIOTT: She says—

> Some of the complaints are:
>
> 1. Provision of pre-school centres in school grounds with inadequate outdoor play space.

2. Placing inexperienced teachers in charge of centres.

The Hon. G. C. MacKinnon: These are concerns for the future—hypothetical suppositions.

The Hon. LYLA ELLIOTT: She found an unsatisfactory situation developing. She had made many contacts, asked many questions, and obtained a great deal of information from professional pre-school people who were working within both the Education Department and the Creche and Kindergarten Association. I would like an assurance that this will not happen in Western Australia.

I felt the Minister's second reading speech was rather an insult to members of this Chamber because on such an important question, involving such a radical change in policy, he saw fit to deliver a speech consisting of only 150 words.

The Hon. G. C. MacKinnon: You shock me speechless. I was full of consideration for the House. I stuck to the Bill and explained what it will do. Do you want me to make a policy statement?

The Hon. LYLA ELLIOTT: The Minister gave no justification for the new policy, no facts or figures or supporting opinions, and no information about the proposed six pilot schools; nor did he say whether the new schools will observe APA standards, or whether trained kindergarten teachers will be in charge of them. We had only 1½ pages of notes consisting of 150 words. I would like to see we on this side try to get away with a speech like that when introducing a Bill of this nature.

I am aware that certain information has been dragged out of the Government by Labor members since the beginning of the session, but I still do not think it is good enough when a Minister in introducing a Bill of this nature provides so little information. I think more details should have been given.

The Hon. G. C. MacKinnon: You are cutting me to the quick, Miss Elliott.

The Hon. LYLA ELLIOTT: Section 6 (3) of the Pre-School Education Act lays down that the Pre-School Education Board shall have regard for the standards and recommendations of the Australian Pre-Schools Association, and that it shall ensure that regard is had for the standards and recommendations in the pre-school centres. I would like the Minister to tell us whether such a provision will be written into the Education Act, in view of the fact that the Act will now cover pre-primary centres.

Another matter which concerns me is the health of the pre-school child. In the Address-in-Reply debate earlier this year I spoke of the need for a comprehensive health service to reach the pre-school children in need of attention; those who, at the moment, are in the gap between the services provided by the infant health service—I use the term "infant" instead of "child" to save confusion—and the school health service. I referred to the fact that it had been estimated by pediatricians that the period in the life of a child between the ages of one and four is when the child is considered most vulnerable to poor nutrition and the contracting of diseases.

Between those ages the child is most accident prone and it is during this period the pattern of its intellectual and emotional development is being set. It is also possible in those years to detect remediable disorders before they become serious. However, despite all these things, these are the years in which the small child is most neglected as far as health checks are concerned.

I asked the Government at that time to follow the lead given by Victoria and to appoint a standing committee of top-level representatives of the Health, Education and Community Welfare Departments, and the Pre-School Education Board for the purpose of co-ordinating the services offered by the departments to pre-school children. I would like to repeat that request to the Government.

The Fry report on the care and education of young children, which was commissioned by the Australian Government last year, also dealt with the question of the health of the pre-school child. It pointed out that recent surveys have highlighted community complacency and ignorance about health hazards to the small child. For example, it said that immunisations for infectious diseases, such as diphtheria and poliomyelitis, had fallen to such alarming levels that if there were an outbreak of such a disease it could reach epidemic proportions amongst children.

So if there is to be a marked increase in the availability of pre-school education and child care services, this should be matched by an increased number of services in respect of health education and other matters for parents and their children. I would ask the Minister to indicate in his reply whether any consideration has been given to this question and whether steps will be taken to ensure that the school health service will be adequately staffed and equipped to handle the intake of these young children.

I am aware, of course, as Mr Claughton has pointed out, that these pre-primary centres will be financed with funds from the Australian Government. Once again, I would like to put in a plug for that Government, as it is always being criticised by members of the present State Government. The Australian Government has shown its concern for pre-school education and child care services by allocating $75 million to be spent throughout Australia in the year 1974-75.

In addition to pre-school education, I am anxious to see efforts stepped up in this State to provide adequate child care facilities for children of all ages whose mothers work, either by choice or by economic necessity. Not only do we need these facilities for pre-schoolers, but for older children as well. Every time I call on a school in my electorate the headmaster or principal expresses concern about the number of children who arrive at the school doorstep long before school opens, and who do not see their parents until hours after the school closes. This is an area which also requires close attention, in addition to pre-school education, which will cater only for children of a younger age.

Sitting suspended from 6.08 to 7.30 p.m.

The Hon. LYLA ELLIOTT: Prior to the tea suspension I was speaking of the need for child care facilities for children of all ages in addition to pre-school education. I understand the interim committee of the Children's Commission established by the Federal Government is already working on the priorities to be established in the area of child care and I hope it receives the utmost co-operation from this Government. This is just another area in which, I believe, the Whitlam Government has shown its superiority over the previous Liberal Party Government by increasing the expenditure on education and child care by over 1 000 per cent.

For the benefit of the Minister I just want to reiterate that I would like to have an assurance from him, firstly, that the new pre-primary centres will observe the Australian Pre-School Association standards; secondly, that the teachers employed in these centres will be trained kindergarten teachers; and, thirdly, that special attention will be paid to the health of the small children who will enter these centres in view of what I quoted from the Fry report about the health hazards of the small child and the alarming level to which immunisation has fallen in regard to infectious diseases.

Like other Labor members I support the Bill before the House but I would like the assurance of the Minister on the points I have raised.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [7.33 p.m.]: Working in reverse I will deal, firstly, with the comments made by Miss Elliott, because they are fresh in my mind. When I listened to the honourable member I was alarmed, because as far back as the 14th August, 1974 I made a speech in this House in which I laid down the policy of the Government as it affected pre-school education. That speech is recorded on pages 561 to 563 of proof No. 3 of the current *Hansard*, and in it I covered virtually every point on which Miss Elliott has asked questions. So I am in a position to give her a complete assurance on the three questions she has just asked.

The Hon. Clive Griffiths: It is quite obvious she did not study your speech very closely.

The Hon. S. J. Dellar: She may not have considered it worth while.

The Hon. G. C. MacKINNON: I feel quite sure she was in her seat when I made my speech on that occasion and I was quite happy with the degree of attention all members gave to that speech. Obviously they were interested in education and in children because the speech was heard with an admirable lack of any disorderly interjections.

The Hon. R. Thompson: We were rather disgusted with your policy and we wanted to hear what you had to say.

The Hon. G. C. MacKINNON: The Leader of the Opposition listened to the speech very intently and found no points on which to make ribald comments. You were seated in the Chair, Sir, at the time and no doubt in view of your imposing presence members opposite refrained from interjecting. Whatever the reason, there were no interjections made during my speech and I am quite certain Miss Elliott was present at that time. So I am in a position, as I was in August, to give her an assurance that the pre-primary centres will keep to the APA standard, will have well-qualified teachers and, in fact, have aides to assist them.

Unfortunately I cannot give an assurance that this standard will forever be maintained, because twice in my experience in Parliament, I have seen this State fall under the sway of an Australian Labor Party Government and I have seen the drop in the general standards over the six years that a Labor Government has been in office, and there is always the possibility—remote though it may be—that it may repeat that performance and be returned to office again. Therefore I cannot give an assurance that these high standards will be maintained, but so long as we remain in office I can give the assurance that they will be maintained, and I would like to refer Miss Elliott to the *Hansard* I have mentioned.

The Hon. R. Thompson: You made that speech to counter the opposition from the Teachers' Union that was holding its conference in that very week.

The Hon. G. C. MacKINNON: I would not do anything like that. It just happened to be that it was time I made an announcement, the Address-in-Reply debate was in progress, and I took advantage at that particular time to make my speech.

The Hon. R. Thompson: But you were being taken to task by the Teachers' Union at its annual conference.

The Hon. G. C. MacKINNON: Let me deal with that. There has been a degree of opposition and I think this is a good thing, because it means the matter has been examined with some care, but even on page 6 of tonight's *Daily News*, the following appears—

> Teachers Switch on Pilot Plan
> The WA Teachers' Union has withdrawn its opposition to the State Government's building of six pilot pre-primary centres.

The Hon. Lyla Elliott: Yes, because your policy has changed.

The Hon. G. C. MacKINNON: No, our policy has not changed. Our policy has always been that children would be admitted to primary school in their fifth year, and that it would be an informal type of curriculum.

The Hon. Lyla Elliott: You did not say they would be pre-primary centres.

The Hon. G. C. MacKINNON: What does "informal" mean? Mr Claughton referred to this. He was speaking on the degree of informality. Let me tell Mr Claughton that perhaps he should visit a few schools, because the degree of informality in the first year of school at primary level is most marked and varies from school to school. This is understandable when there is such a large number of teachers, but it is believed that the introduction of the pre-primary centre into the school structure will aid this degree of informality in the first four years of a child's life at school; that is, from pre-primary through grades 1 to 3, but over six years a sort of formal pattern of education will be practised.

During the past seven months I have visited approximately 200 schools and studied teacher situations, and the degree of informality in some schools is quite startling. It is just as well the young teachers have been brought up in the rock-and-roll era of rather loud noise, because they seem to be able to stand the noise of the children. I am not too sure I could, but the teachers seem to be able to do so with equanimity, and when they want quiet they get it. The children seem to enjoy their schooling in the younger years.

Mr Claughton also mentioned that transfers were not to be made between the first-year primary and the pre-primary year. Let me hasten to assure the House that I have never made that statement and indeed all the educators to whom I have spoken consider that the opportunity would be ideal and too good to miss; that is, to take a child that was not adapting quite as well, as it should in its first year, and put it back into pre-primary school occasionally to give it a better chance to adapt. That seems good sense to me, and I believe that should be the case.

I will now deal with what Miss Elliott said. I think she mentioned the child care commission and today I had occasion to answer Mr Claughton with regard to my inability to tell him the extent of the financing of pre-primary centres at present. This is because of the establishment of the Children's Commission. The history of it is rather brief. As I understand it, partly by rumour, and partly by fact, Mr Beazley had fought a couple of battles in Caucus for the $74 million education programme, which was at that time dealing predominantly with pre-school education.

The Hon. Lyla Elliott: It was $75 million.

The Hon. G. C. MacKINNON: My figures show the sum to be $74 million, but let us assume that Miss Elliott has more accurate figures than I because such are the peculiarities of the Labor Government that I find all sorts of people coming to me giving me information, not always factual and accurate.

The Hon. R. Thompson: You want to start working with the Australian Government and you will get the right information.

The Hon. G. C. MacKINNON: I will deal with that interjection in a moment. The last time this subject represented a battle in Caucus, Mr Beazley lost to Mr Bowen, so Mr Bowen has now undertaken this $75 million programme which has now changed from one of pre-school education to one of child care. No-one is quite sure what that means. There is a change of emphasis from the sessional basis to one of general case for a total day basis which the Commonwealth Government wants.

The Hon. Lyla Elliott: What is the good of the sessional set-up for a mother with a child who attends only four half-days a week?

The Hon. G. C. MacKINNON: This is a consideration, and I suppose it is all right. Strangely enough most of the children I have seen indicate that the problems that would be met have been grossly overstated. This would be borne out in Mr Thompson's own area in the Esme Fletcher Centre which has had some financial difficulties.

From my observations it has also appeared that as a straightout private enterprise operation a child care centre is a very lucrative business proposition.

The Hon. Grace Vaughan: For those who can afford it.

The Hon. G. C. MacKINNON: The mother who goes to work, on today's wages and on the charges I have seen for child care centres, can afford it. This is a lucrative type of business and such a system should be operated on the basis of assisting a mother who cannot afford to send her child to one of these centres, and the scheme should not be taken over by the Government. It is also my experience that mothers generally stop working while

they are having their children—whether it be two or three—and they return to work when the youngest one starts attending school. I will be surprised if I am proved to be wrong, but I think it will be found that the need for child care centres, in the main, in Western Australia is grossly overstated. When we carry out the research we will find this will be the case, in exactly the same way as the childcare scheme will work on so-called latch key children.

The Hon. Lyla Elliott: What do you mean by "so-called"? Do you deny they exist?

The Hon. G. C. MacKINNON: I use the term "so-called" because frequently it is a misnomer. Of course, latch key children exist. A very excellent research programme is under way in this State.

The Hon. R. Thompson: It is the one I started.

The Hon. G. C. MacKINNON: The honourable member might have started it, because it was going on when I took over the Education portfolio. The preliminary reports show that the problem of the child without parental control after school hours is again grossly overstated. A great number of the so-called latch key children are, in fact, very adequately catered for. Many of them go to police boys' clubs, hockey training, football training, yachting training, in which Mr Dans is very interested, and a whole host of other activities after school hours. At times they are better cared for while engaged in those activities than when they are at home.

How could the Federal Government know about the situation? It only knows about the position in Canberra, but that is not Australia. Canberra is almost an alien city within Australia, its composition being what it is. That is not unusual, because I understand the same position applies in Washington in the USA, and Brasilia in Brazil. Canberra is predominantly a Civil Service city, as are the others. Per head of population it is richer than the other cities of Australia. The people there are better educated on an average than the people in the rest of Australia. For that reason how would the Federal Government with its departments established in Canberra know the position? I suggest they are making a guess after a reading of social welfare reports, such as those presented by Mrs Vaughan.

The Hon. R. F. Claughton: Who started the programme?

The Hon. G. C. MacKINNON: The programme was started by Mr Thompson when he was the Minister.

The Hon. R. Thompson: It was started by the Education Department in conjunction with the Department for Community Welfare.

The Hon. G. C. MacKINNON: The preliminary reports show quite clearly that the problem has been overstated. I also believe that the problem with regard to children requiring care, prior to their attendance at a pre-school centre or a primary school, has also been overstated, because the big majority of mothers are concerned about the welfare of their children.

After their marriage women generally work for two or three years before they decide to have families. After having their families they continue to remain at home until the youngest child reaches school age; and then they go out to work.

The Hon. Lyla Elliott: The headmasters in my electorate would not agree with your statement.

The Hon. G. C. MacKINNON: Miss Elliott represents a Labor electorate, and I do not know about the position in that electorate. However, I do know about the position in my own electorate, and what I am saying is correct in relation to my electorate. My electorate comprises a very mixed community.

The Hon. D. K. Dans: There is not much opportunity of employment available to mothers in your electorate.

The Hon. G. C. MacKINNON: There is in Bunbury where a very successful child-minding centre which is run as a profit-making organisation is established. I have visited it on many occasions, and I have taken bits and pieces to that centre.

The Hon. D. K. Dans: I am glad you added the last part in your sentence.

The Hon. G. C. MacKINNON: My wife collects a lot of cartons, and we take them to Mrs Gilligan who uses them as toys for the children. Recently I changed the carpet in my home, and took the old carpet to the centre where it was used. It is an excellent organisation and it is conducted at reasonable rates.

I am aware that certain people experience difficulties in sending their children to the centre. One person in Bunbury has been left with two or three children, and he works intermittent shifts. His situation is very difficult. He also finds it difficult to engage a woman to look after the children, and to get his children to the centre at the proper time. I know of one or two similar cases in the Bunbury area, but they are rare.

All this debate has ensued from a very small amendment in the Bill to the Education Act, aimed at clarifying a particular situation to ensure that whilst children can be enrolled at a primary school at four years of age plus, and that the regulation for their protection would flow to them and apply to them, it is still not compulsory for such children to be enrolled at a primary school.

I was shocked and not a little hurt to find that the Opposition has not made any analysis of the Bill whatsoever to determine whether or not it portrayed accurately the fact that the children would receive the protection of the regulations of the Education Department. I can assure members that they will receive such protection. Instead of that the Opposition started off on a half-baked attack on the Government's policies.

I have always understood that it was the duty of the Opposition—indeed, that is what the members of the Opposition are paid for—to examine Bills and to ensure that the draftsman acting under Government instructions has, in fact, carried out the job.

The Hon. Lyla Elliott: Are you suggesting there is something wrong with the Bill?

The Hon. G. C. MacKINNON: I do not think the honourable member would know whether or not there is.

The Hon. Lyla Elliott: I have read it from beginning to end.

The Hon. G. C. MacKINNON: The honourable member has had a shot at our policy but she has not studied it.

The Hon. Lyla Elliott: I have read the Bill.

The Hon. G. C. MacKINNON: Why did the honourable member not comment on it?

The Hon. Lyla Elliott: What do you think I was talking about?

The Hon. G. C. MacKINNON: Not about the Bill.

The Hon. Lyla Elliott: Rubbish!

The Hon. G. C. MacKINNON: The honourable member was talking about the proposed implementation of a policy, but the Bill does not provide for that.

The Hon. R. F. Claughton: Do you mean to say this Bill does not implement policy?

The Hon. G. C. MacKINNON: It could have been implemented without this Bill, but the children would not be protected. The Bill allows the regulations of the Education Department, designed to protect children, to flow down to those children. The Opposition has not told the House about that.

The Hon. Lyla Elliott: That is your job.

The Hon. G. C. MacKINNON: I told the honourable member about it in what she claimed was a 150-word speech.

The Hon. Lyla Elliott: No, you did not.

The Hon. G. C. MacKINNON: The honourable member is supposed to be speaking on behalf of the Opposition. I do not expect each and every member of the Opposition to study and research every Bill, but apparently the Leader of the Opposition deputised Mr Claughton and Miss Elliott to study the Bill, and to report to the House on their research. Apparently they have not done their job. All they did was to proceed on a half-baked criticism of our education policy. The Leader of the Opposition has a right to be cross with them, and when the occasion arises I hope he will reprimand them.

The Hon. D. K. Dans: He will give them six of the best!

The Hon. G. C. MacKINNON: Coming back to the question of child care, I find a most complicated and confused set-up confronting us in dealing with the proposals of the Commonwealth Government.

The Hon. R. F. Claughton: We are now dealing with pre-primary centres.

The Hon. G. C. MacKINNON: Miss Elliott brought up this matter of child care. I would hasten to assure her that long before the tragedy of the present Federal Government being returned to office befell Australia, checks were done on kindergartens in this State.

At the time I was Minister for Health I watched dentists carrying out checks to see how the fluoride programme was proceeding; that was in the days before fluoridation of water supplies had been adopted. Currently a programme is being implemented to carry out additional health checks in association with pre-primary centres and pre-school centres, such as those mentioned by Miss Elliott. Because the debate has not been confined to the Bill itself, and in fact it has ranged over policy matters, I had to answer the questions raised by Mr Claughton and Miss Elliott. I did not like doing that. I did it through necessity in the circumstances. I have mentioned that I cannot assure Miss Elliott of the standards being continued, because we face the tragedy of the return of the Labor Government in Canberra.

The Hon. R. F. Claughton: You said that before.

The Hon. G. C. MacKINNON: I did but I repeat it now. Mr Claughton has made a song and dance about a policy change as our Government went along. The fact that he does not know what is meant by informality is something I cannot do anything about. I was alarmed that he, being a former teacher and understanding the hierarchy and the structure of the teaching profession, should have been so certain in his mind that the status of a teacher would decrease with the school grade the teacher taught.

The Hon. R. F. Claughton: That is right.

The Hon. G. C. MacKINNON: That was my understanding of his words: that the lowest in the strata was the junior primary

teacher, and that the pre-primary teacher would be lower still in status. This I find difficulty in believing. In my travels around the schools, it was evident to me there must be immense satisfaction to people teaching little children, because the children have shiny eyes, show enthusiasm, and respond quickly.

The Hon. D. K. Dans: They do not, you know.

The Hon. G. C. MacKINNON: They do. The children are a joy to watch. There must be a lot of satisfaction to find at the end of a school year that the children can write and read a little. I am alarmed that over the years the primary teachers, according to Mr Claughton, have been relegated to the lowest status of all. It seems to me that a teacher who starts a child off at school ought to be in the position to mould that child so that it will become a willing student and respond to the best of its ability. If what Mr Claughton has said is correct then the time has long passed when we should do something like this to change the attitude and to put the emphasis on primary education. One of the benefits to flow from this Bill will be another promotional position of deputy principal, primary. He will look after the first four years of education of a child.

The Hon. R. F. Claughton: You have them now.

The Hon. G. C. MacKINNON: In a few places.

The Hon. R. F. Claughton: How many more will there be?

The Hon. G. C. MacKINNON: Quite a number. I was alarmed to find that Mr Claughton adopted this attitude; he seemed to accept it as normal. I was also alarmed at his acceptance of what the Teachers' Union referred to as dichotomous control of pre-school education. In this regard the honourable member is a bit out of step with the Teachers' Union.

I regret the necessity for me to stray so far from the Bill which deals, purely and simply, with the alteration in the school age in order to ensure that the protective regulations of the Education Department will flow on to the children; but because of the questions asked and the assertions—in the main they are false—made by Mr Claughton and Miss Elliott I was constrained to answer them. For that reason I also did not stick to the Bill.

I have explained the Bill adequately and carefully in a short speech. I was surprised to hear so much comment made, to which I have had to reply. I expected the debate to be ended long before this. In order to avoid wasting any more time I conclude my remarks.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. R. F. CLAUGHTON: The Minister remarked that members from this side of the Chamber did not refer to the detail of the Bill during the second reading. As is known, the second reading stage is generally used for the purpose of discussing the principle of the legislation. Since the Minister has shown some concern that details should be explained, perhaps he would care to elucidate on this clause which states—

> 2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Is it intended to separate parts of the Bill?

The Hon. G. C. MacKINNON: The clause means precisely what it says. Any part of the Act, when it is passed, can come into operation on such a date, or dates, as is or are, respectively, fixed by proclamation. The verbiage is about as clear as it is possible to include in legislation.

The Hon. R. F. CLAUGHTON: I am afraid the Minister has not been trained as a teacher. There is no real reason to instruct me, because I understand what the Bill sets out. However, that was not the question. We know that the Education Act has been fully proclaimed. I ask: Which parts of the Bill, in seriatum, will be proclaimed at different times? It seems to me that all provisions of the Bill would need to be proclaimed at the same time. Is it the intention of the Minister to introduce the new section referring to pre-primary centres, and introduce the other provisions next year, or during the year after? Is it to be the case that free education will not be available, at this time, in pre-primary centres?

The Hon. G. C. MacKINNON: I accept it as the right of the drafting officer to use peculiar verbiage and, frankly, I do not know the answer. I do not think it matters.

The Hon. R. F. CLAUGHTON: It seems exceedingly strange that the Minister should have allowed something to creep into legislation under his control which he, admittedly, does not understand and which he believes is not necessary.

The Hon. G. C. MacKinnon: The honourable member has made a very good point.

Clause put and passed.

Clause 3: Section 3 amended—

The Hon. R. F. CLAUGHTON: This clause will include pre-primary centres in the definition of a "Government school".

Clause put and passed.

Clause 4: Section 11 amended—

The Hon. R. F. CLAUGHTON: The provisions of this clause will allow the Government to provide free education in pre-primary centres.

The Hon. G. C. MacKinnon: The honourable member is giving us an impressive performance.

The Hon. R. F. CLAUGHTON: I can see nothing wrong with the drafting of this clause, and we will not oppose it. As the Minister has said, the Bill will introduce part of the policy of the Government.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.10 p.m.]: I move—

That the Bill be now read a second time.

Subsection (1) of section 65 of the Country Areas Water Supply Act, 1947-1973, provides in paragraph (a) for the levying of an annual water rate on ratable land where the usage of water is classified as domestic purposes on the basis of up to a maximum of 7.5c in the dollar of the estimated net annual value of the land.

Estimated net annual values for dwellings differ considerably due to a number of factors. These are—

(i) varying capital costs of houses due to location and quality;

(ii) varying demand for houses; and

(iii) the revaluation programme being unable to provide new values for all towns at the same time.

Because of these factors it is possible to have different annual values for the same type of house and arrive at varying average annual rates on a regional basis. Some examples of varying regional annual averages using available valuations and applying 7.5c in the dollar on the annual value are as follows—

Kalgoorlie—$17
Merredin—$24
Pinjarra—$30
Collie—$13
Bridgetown—$18
Carnarvon—$35
Derby—$26
Port Hedland—$38

The State-wide average annual rate for holdings classified as domestic purposes in country areas for 1974-75 applying the maximum rate of 7.5c in the dollar is $22.60. To minimise the effect of the variable factors influencing valuations it is proposed to fix a limit of $20 on each domestic annual rate for the rating year commencing the 1st July, 1974.

This Bill provides for section 65 of the Act to be amended by adding after subsection (1) a new subsection which will enable the Minister, from time to time, by notice published in the *Gazette* to determine a maximum amount of water rate to be paid in respect of holdings classified as domestic purposes. In those cases where the water rate computed on the estimated net annual value of a holding classified as domestic purposes is in excess of the rate determined by the Minister, then the water rate shall be fixed at the rate determined. Domestic ratepayers whose rates come to less than $20 at the 7.5c in the dollar valuation would be charged the lower figure.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

PRE-SCHOOL EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.13 p.m.]: This measure is complementary to a previous Bill to amend the Education Act. It will exclude from the provisions of the parent Act, by an alteration to the definition of "pre-school education centre", children who will attend pre-primary centres.

Further amendments tidy up some difficulties which were experienced in the election of representatives of the Pre-School Education Board. The amendments are supported by my party.

The Minister was somewhat provocative when speaking to a previous Bill, but I will not dwell on that. During the second reading stage of a Bill we normally deal with the principles of the legislation; not always, but that is the general rule. We usually do not go into the details of the legislation. In this case I can only say I believe the Government has made a serious mistake which will be to the disadvantage of the children concerned, and

of our educators. If pre-primary centres must be placed on school sites I would still like to see them under the control of the Pre-School Education Board.

Our present system is different from that adopted elsewhere in Australia, but I do not think we should follow slavishly procedures applying in the other States. If we retain the advantages of our system, there will be greater scope for those who want particularly to work with these young children. Such people would probably find difficulties in the more formal set up of the Education Department—a much larger organisation. A pre-school centre, by its smaller size, contains greater informality, not only in its mode of education, but also in its dealings with the people it employs. As I say, all we can do is go along with what the Government is doing, assess the progress of the implementation of the measure, and trust that not too much damage is done.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [8.16 p.m.]: I thank Mr Claughton for his comments. Although they are a valid expression of opinion, they are out of step with every other education authority in Australia. Everywhere in Australia this principle of children of four-year-old-plus attending at the site of the primary school has been adopted and accepted, with the possible exception of Tasmania which, however, is moving in that direction. I think this proposition will be a success. I thank the honourable member for his comments.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 11 amended—

The Hon. R. F. CLAUGHTON: I rise simply to point out the difference between the Pre-School Education Board administration compared with the administration of the Education Department. The main strength of the pre-school movement is that it involves the community at large. The system that we have is designed to make that involvement more easily implemented, particularly in remote areas. This policy grew up with the earlier Kindergarten Union and its tradition has been retained to this day. Unfortunately this may be one of the things lost with the new arrangement the Government is introducing.

The Hon. G. C. MacKinnon: I don't think it will.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th November.

THE HON. R. T. LEESON (South-East) [8.20 p.m.]: This Bill is of significant importance in my area because most of the mining carried out there is regulated by the parent Act. Most members realise that the Mines Regulation Act governs the manner in which mining is carried out by the miners and their employers.

There have been several amendments to the parent Act since its inception. However, some major changes have become necessary over the last few years because of the expansion of the industry, and this Bill was introduced to that end.

One of the amendments relates to inspectors of mines. These men play a very important part, particularly in underground mining operations. They police the operations of underground mining, in the same way as traffic inspectors police the roads on the surface. Most members are aware that underground mining is a hazardous occupation, and its regulations need to be strictly policed. The structure of the ground is an important consideration, and mine workers must be taught how and when to operate, and what to do when it is believed that certain areas are unsafe. Years ago a mining inspector could enter a stope and order a worker to stop work immediately if he considered the ground to be unsafe. The inspector could charge the miner with working on unsafe ground, and at the same time he could charge management for allowing the man to work in such an area. Under the provisions in the Bill before us, the inspector will be able to close down an operation for any given period if he considers an area to be unsafe. Another provision in the measure is a continuing penalty when such an offence is continued.

Members must appreciate that a fair percentage of these miners cannot readily identify what is called bad ground. It takes a fair bit of experience to be able to judge this.

Another important provision in the Bill deals with the classification of mines. Previously any worker in the mining industry was required by law to present himself for a medical examination—including chest X-ray—every two years. Th

Government has now decided to classify mines into three divisions—"A", "B", and "C". People working in "A"-class mines—all underground workings and some other workings—will be required to present themselves for medical examination every two years as previously. "B"-class mines include quarries and all surface workings, and the men in these mines will be required to undergo a medical examination every five years. Workers in "C"-class mines will be required to have an initial examination and then no other.

Many people believe—and the AWU in particular—that workers in "C"-class mines should also be subjected to periodical medical examinations. I understand that some parts of the iron ore industry will also be included in this category, and an example of this is the men who load the iron ore wagons. Any member who has visited iron ore developments will be aware of the amount of dust created in the area. However, people working in this dust will be required to have an initial examination only. I am aware that for a long time we have been told there is no silica in iron ore mining. We have frequently heard the other argument, and I think it has been proved that silica is present. As members are aware, the iron ore industry is fairly new to Western Australia, and we do not know how the workers will be affected in 20 or 30 years' time.

The Hon. J. C. Tozer: You have forgotten Yampi Sound.

The Hon. R. T. LEESON: That may be so, but the development there is chicken feed as far as the iron ore industry is concerned.

The Hon. G. C. MacKinnon: Would the possibility of dust depend on the rock in the iron ore?

The Hon. R. T. LEESON: I do not know exactly what type of rock the silica dioxide comes from.

The Hon. G. C. MacKinnon: It does not come from every rock.

The Hon. R. T. LEESON: I understand it does not, but it is fairly hard to define. It is prevalent around Kalgoorlie because of the type of ore mined. Any member who has walked around certain areas of the Pilbara will have noted the fact that the country is almost identical to certain areas around Kalgoorlie. It may be that the iron ore in certain areas contains silica. What concerns me is that in 20 years' time we may see that these diseases are developing. We have only to recall what happened with the asbestos mining at Wittenoom Gorge. It was argued that there were no harmful substances in asbestos but we can now see the mistake that was made. All over the world people are dying from asbestosis. It worries me that the same type of problem may develop with workers in the iron ore industry and perhaps even those in the mineral sands projects. For these reasons I believe that people working in such areas should attend for medical examination at regular intervals. Perhaps the "C"-class mines could be included among those listed in the "B" class and then workers in those mines would be examined medically every five years. Apparently this matter was raised in another place, and the Minister there said he would look into it. I hope he does because I believe a provision along these lines will safeguard the health of many people in the future.

At the present time medical examinations for nickel mineworkers do not come within the provisions of the parent Act. It is now anticipated that workers in nickel smelters will come within the category of "C"-class smelter-workers—and they will undergo an initial examination and no more.

The provision to set up the ventilation board is long overdue, particularly in the goldfields. Over the last 70-odd years dust has been a constant hazard to mineworkers. I believe only good can come from the setting up of this board, as long as it is managed in the way it is intended it should be. Any member who has been underground and who has seen the conditions that mineworkers put up with years ago will understand the necessity for such a board.

Another provision in the Bill which has been discussed in another place and which could be regarded as contentious is the proposal to give mine managers the power to issue and withdraw certificates of competency. Previously, inspectors of mines were the only people who could issue or withdraw such certificates and we feel that this is best left to inspectors. The illustration has often been given that drivers' licenses are issued by the Government. The Act relating to the issue of drivers' licenses was set up and administered by the Government and the Government issues drivers' licenses under the Act; the only people who can take drivers' licenses away are those designated by the Government.

We would not like to see a mine manager have the power to go up to a worker and say, "I am going to suspend your driver's license"; he has no right to do that. We argue that if this is the case, similarly he should not have the right to take away a worker's license to drive an air hoist or something of that nature because, after all, that is how he earns his livelihood for eight hours a day.

I know that some people will say there is no need to worry about this provision because if a mine manager withdraws a certificate of competency in the iron ore industry, the workers of that industry, who are militant people, will go out on strike and everything will be solved. However if such a situation occurred, we

would have 2 000 people on strike for a week at Mt. Newman because a mine manager took away some worker's air hoist ticket. It might sound all right to say that the strike would result in the worker's air hoist ticket being returned, but is this the way the Government wants to promote good relations with these workers? This provision should be examined very carefully, because in its present form I can see it causing a lot of problems in the future.

I know from past experience that a lot of white-anting would go on in this industry, both in the issuing and the suspension of certificates.

The Bill also provides for an increase in penalties for the breaking of regulations, particularly underground. It has been said, particularly by the Australian Workers' Union, that these provisions are long overdue because at the moment the penalties are too light. People can do all sorts of things and get away with them. In a dangerous occupation such as this, where it might not be only the life of the worker breaking the regulations that is involved but also the life of his mates, due care must be taken and fairly stiff penalties implemented.

I also referred earlier to the continuing of penalties; this is a good provision because at the moment an inspector can walk out of the front gate of a mine and the worker can carry on as before. The inspector may not return for a month or so and, in the meantime, there may be a death. Fortunately, this has not occurred very often, but this is the sort of thing that goes on.

On the whole, the Bill is a good one; the people in the mining industry have waited for such legislation for a long time and they look forward to the changes foreshadowed in it. I am sure these changes will benefit the workers and the companies in general.

I should like to mention a few more points; perhaps the Minister may be able to reply. I have already mentioned the proposal to give mine managers the authority to issue and suspend certificates of competency. This matter was also raised in another place, but it fell on deaf ears, so I do not suppose there will be any change of ground here.

The second point, of course, relates to the regulations. In this respect, the Bill is quite awkward; the regulations will be brought before Parliament at a later date. In this legislation, the regulations are very important because they relate to almost the entire legislation.

For instance, although the regulations govern the way workers operate, we have not seen them. Strong rumours have been circulating, particularly in my area, that the number of men contributing to the Mine Workers' Relief Fund will be cut by approximately half. At present, about 9 500 men and women from all fields of mining contribute to the fund. For years, it has been argued that workers in the iron ore industry should not contribute to the Mine Workers' Relief Fund because workers in that industry do not contract silicosis. However, of course, we are now back on the old argument; I say that we have not operated long enough in the iron ore industry to know whether they will or will not contract silicosis. Some men working in the goldfields do not contract silicosis for 20, 30, or more years; some of them work underground for 40 years and do not contract the disease. It varies from man to man. We know that silica does not exist in the iron ore industry to the same extent as it does in the goldfields, but it is possible that it is there.

My main concern is that although there may not be silica present in the iron ore industry, there may be something else. As I mentioned, for years we did not anticipate that workers at Wittenoom Gorge would contract any sort of mining disease and then we learned about asbestosis. I am frightened that we might run across something else in the iron ore industry. I mentioned earlier that I believed iron ore workers should be subjected to a five-yearly medical examination.

The Mine Workers' Relief Fund, for those members who do not know, provides money to turned-down miners suffering from silicosis. After they have exhausted their workers' compensation payments, they are entitled under the Mine Workers' Relief Fund, to a payment of $8 a week. If they die while receiving relief, their widow receives $8 a week. That is not a lot of money. However, every man or woman—mainly men, of course—working in the industry contributes 35c a fortnight towards this fund. This amount is matched by the employers and by the Government.

The industry is concerned at the rumour that the number of contributors will be cut by half. If the rumour is correct, it is only natural that the employees' contributions must approximately double to maintain the previous level of contributions and, of course, the employers and the Government would also double their contributions. Certain people have maintained that the Government certainly will not increase its payments; I know the employers are not happy about such a prospect.

Rumour then had it that the proposal was re-examined and it was decided to reduce the number of contributors by only 25 per cent, or something along those lines. Would the Minister give some indication whether there is to be any reduction in the number of contributors to the Mine Workers' Relief Fund and, if so, will he guarantee that the employees' contributions will not increase from their present level of, I think, 35c a fortnight?

My other query was also raised in another place. Will the Minister give consideration to examining the "A", "B", and

"C" classification of mines with a view to reclassifying into "B" status the operations of present "C"-class mines? This would cover everybody in the industry, whether they be working in iron ore, down south in the mineral sands, or around the area of Kalgoorlie, which I represent, where we find people working near nickel smelters and the like. It is important that these workers be X-rayed at regular intervals, but under this legislation the mine must have a "B" classification before its workers would fall under such provisions.

I said earlier that the people in my electorate have been waiting for a long time for alterations to the Mines Regulation Act. In the main, the provisions contained in this Bill, particularly those relating to ventilation, will go some way towards alleviating the problems experienced in this industry. In general, I think it is a very good Bill and I support it.

THE HON. R. H. C. STUBBS (South-East) [8.41 p.m.]: I rise to say a few words about the amendments to the Mines Regulation Act. Over the years I have had a lot of experience underground. I was a coalminer for a few years before going to the goldfields, where I worked underground in all capacities, reaching the post of underground manager. Therefore, I think I am competent to express a view on this legislation.

In his second reading speech, the Minister stated—

> The principal Act which this Bill proposes to amend, was introduced primarily to control underground goldmining which, at that time, predominated in Western Australia.

I entirely agree with the Minister. When the Mines Regulation Act was first promulgated, goldmining was the predominant mining industry in Australia; in fact, very little other mining was being carried on and it was thought necessary to implement legislation immediately. The Act probably was modelled on the old English laws, adapted to Australian conditions; however, it served its purpose at that time.

Goldmining, of course, developed Western Australia rapidly. It resulted in yearly increases in population and attracted railways, wharves, water supplies and the like. Of course, farmers followed the railways and the water supplies and commenced farming adjacent to those lines. So, in the main, Western Australia can thank the goldmining industry for the early rapid development of its farming industry. The Minister also said—

> There is a present need also to rewrite some of the regulations to encompass changes brought about by the introduction of new mining methods with modern and sophisticated machinery.

I certainly agree with that, because nowadays modern mining is conducted with the use of huge machinery. In Kalgoorlie and Mt. Charlotte, huge diesels are working underground. The Mines Regulation Act was amended in, I think, 1963 to permit diesels to be taken underground. Members might recall that recently a breakdown occurred in the ventilation machinery at the Mt. Charlotte Mine, where these diesels were in operation; as a result, the mine had to be evacuated very rapidly.

For the information of members, I refer to that section of the Mines Regulation Act which relates to the introduction of diesel engines into the mines. This provision was introduced in 1963 by the then Minister for Mines, who is now our President. The Act gives the percentages of air pollutants allowed underground.

The figures given are 0.25 per cent by volume of carbon dioxide; 0.01 per cent by volume of carbon monoxide; and 0.002 5 per cent by volume of oxide of nitrogen, and at no time shall the volume of air supplied be less than 5 000 cubic feet per minute.

We appreciate this provision, because it is necessary to ensure the sweeping away of noxious gases that are produced by underground diesel engines. If the oxygen content is reduced by 1 per cent by volume this will produce air that is not fit to breathe. Accordingly I agree with the rewriting of the Act to do something which we have wanted on the goldfields for a long time.

Reference was also made by the Minister to the supervision of safety and health in the various mining operations. I certainly approve of this aspect. Anything that is done to improve the safety and the health of the people employed in the mining industry is very well worth while.

In his speech the Minister referred to the fact that the legislation has been clarified to indicate that a quarry is a mine. We have held that contention on the goldfields for many years; a quarry has always been looked upon as a mine.

The Hon. R. F. Claughton: We argued that point in the House.

The Hon. R. H. C. STUBBS: That is so. From the Minister's speech we see that engineering projects such as tunnelling and underground excavation, in which mining techniques are used, will be made subject to the provisions of the Mines Regulation Act. I am pleased this provision is being included in the legislation because there are obvious risks involved in the use of certain techniques where it may be necessary to use high explosives and mining equipment.

We find that the definition of "inspector" is to be eliminated. The present definition includes the State Mining Engineer and the Assistant State Mining

Engineer, but in future these officers will not be regarded as inspectors. This is a good move because they have nothing at all to do with inspections. They certainly do a very good job in the office, but they are not called upon to carry out any inspections, nor are they expected to do so.

In this Bill the powers of an inspector of mines are to be increased to authorise him, when inspecting a mine, to order the cessation of any work which is being performed contrary to the Act; also in dangerous workings, work can be stopped. One must agree to this provision. It is good to see that the inspector is also able to stop work that is being conducted illegally. I say this because we have cheats in both sides of the mining industry, and I am sure this provision will have a salutary effect.

Reference was made in the Minister's speech to a renewal of medical examinations. Provision will now be made to bring the whole range of medical examinations under the Mines Regulation Act. I have no complaint about that provision and time alone will tell just how good it is.

I now come to the classes of mines set out in the Minister's speech. The first is Class "A", which deals with underground mining; any surface operations for asbestos, manganese, lead, vanadium, talc, mica, or radioactive substances. I think this classification is all right; though I am not very happy about the items referred to in Class "C" (2), which include a sinter plant, pellet plant, smelter, refinery, blast furnace, etc.

I think we must be very careful about refineries. In my opinion the refinery we have in Western Australia is all right. It is known as the Sherritt Gordon process, which is simply an ammonia pressure leach process producing nickel and ammonium nitrate, which is one of the by-products sold to the farms. I would like to sound a note of warning and say that in the case of the refinery it is the process which is used that is important, and we must ascertain whether or not it is dangerous.

I have one refinery in mind—although I will not say where it is—which uses the carbonyl method discovered by Ludwig Mond and Karl Langen over 70 years ago. Briefly, the carbonyl method is a process which is termed "vapometallurgy", which indicates that gases are used. Impure nickel oxide is the commencing material, which is reduced to metal with hydrogen, and reacted with carbon monoxide to form a gaseous nickel carbonyl. The gases are then decomposed by heat to form pure nickel. In effect, the carbon monoxide is the carrier.

The carbonyl method was considered a hazardous occupation, and was the suspected cause of lung cancer. Great pains are taken to prevent the escape of the gases, and a tolerance of 1 part per 1 000 million only, is allowed and is laid down by the Walsh Healy standards. Workmen carrying out repairs have monitoring equipment to determine the presence of carbonyl gases.

We must make certain that refinery processes are under control just in case similar methods may be used in Western Australia in the future. We have no immediate worry on this score, but the important thing is the type of ore that is to be treated.

I agree with Mr Leeson that we should examine miners every year, as we should those who work in quarries and plants of the iron ore industry; because while we do not know at the moment of any disease that might be contracted it is quite possible that in the future these workers could develop silicosis or pneumoconiosis after having been affected by dust over the years. As we all know there are men walking around the mining towns today who have developed emphysema caused through inhaling dust. Incidentally this is not compensable and, accordingly, the men concerned should be examined more often than is the case at the moment.

As Mr Leeson also pointed out, years ago asbestosis was not recognised as a fatal disease. It took years to convince the authorities that it was a fatal disease and it is on record that people who have entered the industry have died 18 months after contracting asbestosis. The worst killer is the dust from the blue asbestos called crocidolite; the dust from the white asbestos is not quite so bad but still dangerous.

I recall when I was in England in 1970 I approached the English authorities who tried to convince me that according to their records the inhalation of asbestos dust was not dangerous. I told them they were far behind in their research, and that they should get in touch with Western Australia.

We would certainly be very remiss if we did not agree with the provisions concerning an improvement in ventilation. I am glad to see that provision is being made to strengthen the power of the ventilation board which is to be set up. The board is to consist of the State Mining Engineer who will be the chairman—and he has had experience of underground work, and also in an administrative capacity; one of its members will be the Senior Inspector of Mines, whom I have known for years, and who also has a wealth of experience in mining around the Murchison, the Goldfields, and elsewhere. It is very important to have an inspector who has specialised in ventilation in mines. The other members comprise a medical practitioner experienced in occupational health problems; and a scientific officer who is versed in clean air activities. These men should be able to do some good in connection with ventilation in the various mines around the State. I am pleased that

the AWU and the Chamber of Commerce have agreed on this aspect. I daresay there must have been some discussion between these two bodies.

The Minister pointed out that while the functions of the board are clearly specified in the Bill its prime function would be to advise and direct on ventilation and related matters including standards of air in work places in accordance with those standards set by the National Health and Medical Research Council.

I might point out that I endeavoured to obtain a copy of the publication mentioned by the Minister; but though I tried our own library—which contacted the State Library—I was not successful. Eventually I approached the Mines Department which sent me a photocopy of part of the publication. Unfortunately, however, it does not deal with the problem of ventilation and the standards of other types of tolerances for gases, chemicals, and so on.

The Hon. G. C. MacKinnon: Would the clean air section of the Health Department have what you require?

The Hon. R. H. C. STUBBS: I do not know, but I would be obliged if I could have a look at the document, because it is quoted in the Minister's speech and referred to as the standards set by the National Health and Medical Research Council.

The Hon. G. C. MacKinnon: I think the Health Department would be able to supply that information, because it reports to both the Federal and State Ministers for Health.

The Hon. R. H. C. STUBBS: I hope the Minister for Health will be able to make a copy available to me. In his notes the Minister states that where a company has two or more operations which are separated by some distance it is required to have separate certificated managers for these operations.

I think this is a good provision, because in the case of an operation of any size it is important that the man who is managing the show should be on the spot and not commuting between two mines that might be many miles apart.

I also agree that an amendment is long overdue to provide for operators to be trained and to qualify for a certificate of competency before taking control of machines where skill is required in mining operations, and I am glad that the necessary provision is to be included in the principal Act. In the case of the larger types of machines, and the more sophisticated equipment it is only right that a competent man should be in control. I am sure that such a provision can only help to save lives, and it has my support.

The Minister mentioned section 47A which is to be amended to provide that adequate and up-to-date plans must be kept. This is definitely necessary. I remember that in the 1930s, when mines were opening up all over the goldfields, the companies and syndicates involved were seriously handicapped because of a lack of plans. They just had to play it by ear, as it were, because the old workings were under water. As no plans were available they had to be very careful. Sometimes they would bore into old workings and this was exceedingly dangerous. Therefore the requirement to provide up-to-date plans is a good move in the right direction.

The present maximum fine is $200 for an offence by an owner and $40 for an offence by any other person, including a miner. These figures are to be amended to $500 and $100 respectively. Previously, because of the high wages paid and overtime rates, these people could break the law and make a profit if they worked when they should no do so. The increased penalties will act as a deterrent.

The Minister stated that the practice of declaring some regulations to be general rules in the case of mines is to be discontinued because they amount only to a selection of the regulations with which mineworkers are primarily concerned. He said that it is considered that no differentiation should be made and that the Bill provides accordingly.

In my opinion this is one of the main portions of the legislation because the general rules say—

> The provisions of Part IV to X, inclusive, and Part XIII of these regulations are hereby declared, pursuant to subsection (4) of section sixty-one of the Act to be the general rules and shall be observed in all mines wherever and so far as in the opinion of the inspector they are reasonably practicable of application.

The important words are, "wherever and so far as in the opinion of the inspector they are reasonably practicable of application". I have spoken about this matter before, but I think it is important that I do so again. There was a case in Norseman of a miner who was badly hurt underground from a skip. I think it would be as well for me to read what I said on this subject in 1967. The following is to be found at page 2088 of *Hansard* for 1967—

> What worries me most is the Mines Regulation Act. I thought that Act protected the worker, because it deals with the every-day working environment of mining. Miners have to obey the general rules made under that Act; and everyone thought they protected the miner. However, the miners recently received a shock. In 1952 a case was taken to court before Mr. Justice Dwyer under the Mines Regulation Act, and the case was won. In 1953 another case was heard before Mr. Justice Jackson and again the case

> was won. However, in 1963 a smiliar case was taken before a justice and the case was lost. It was lost because 160 regulations in the Mines Regulation Act were found to be useless owing to regulation 4. Section 61 of the Act empowers the Governor to make regulations which are general rules. These general rules are followed by about 160 regulations. The general rules, on page 2 of the regulations, are as follows:—

I have already read this but it is important enough to read again as follows—

> The provisions of Part IV to X, inclusive, and Part XIII of these regulations are hereby declared pursuant to subsection (4) of section sixty-one of the Act to be the general rules and shall be observed in all mines wherever and so far as in the opinion of the inspector they are reasonably practicable of application.

This was where the case fell down. Because the inspector did not record the facts, the case was lost. The people of Norseman made an appeal to the High Court which upheld the judge's opinion.

This part of the Act put the 160 regulations out of action and miners have had no protection from that day onwards. I am therefore pleased that the Government is doing something about this aspect because it has been a sore point with miners for a long time and I have advocated its removal.

I want to say now that what worries me most about the Act is what is not in it and, in particular, provisions dealing with the hearing of miners. I have said on many occasions that the noise of machinery and equipment underground deafens people. As I have said, I have spoken about this matter many times, and members can bet their bottom dollar that I will mention it on many more occasions until we get the same satisfaction we are getting under the amendments before us.

I am sorry that the Bill contains no provisions to initiate a hearing conservation programme or to ensure that miners have their hearing tested at the same time their lungs are examined. I am very disappointed about this matter because hearing programmes were commenced 20 years ago in America and Canada, but we are still many years behind yet we have been told many times about hearing loss.

Another aspect which worries me is that nothing in the Act requires machinery to be silenced. Such a provision has existed in Canada and America for the last 15 years and as a consequence the companies in those countries will not buy equipment unless it has a built-in noise suppressor. When I was in those countries I saw compressors at work and, because of the noise suppressors it was possible to hold a conversation nearby. This applied to machinery underground and on the surface. It was possible to hold normal conversations nearby because the noise suppressors quietened 75 per cent of the noise. It worries me that nothing has been done under the Act so far to require people to at least have an annual examination to ascertain the state of their hearing, and to provide for noise suppression of equipment. I am grieved that nothing has been done yet again on this occasion.

I can promise members that I will be raising this matter over and over again while I am here and I am sure that the Minister will do something about it. With those few remarks I support the Bill.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.10 p.m.]: I thank the two members for their comments on, and their general support of, the Bill. Most of the matters they raised could be answered directly by the Minister for Mines, and to their satisfaction, I am sure.

Mr Stubbs gave a very erudite explanation of the whole measure. As I understand the problem with regard to X-rays, raised by both members, a difficulty is experienced in obtaining a doctor expert in the reading of X-rays. It is not just as simple as it looks to scan an X-ray and state whether or not the person involved is dusted. Whilst there is a tremendous amount of sympathy for the aspect raised by Mr Stubbs, there is a need to ensure that the doctor is very skillful. This matter was raised when we examined the Workers' Compensation Act and were dealing with X-rays.

The Hon. R. H. C. Stubbs: In ordinary audiometry—

The Hon. G. C. MacKINNON: I am not talking about audiometry, but about the X-ray aspect which both Mr Leeson and Mr Stubbs raised.

The Hon. R. H. C. Stubbs: Hearing is not included in the annual examination.

The Hon. G. C. MacKINNON: That is why the matter should be looked at and reported upon. As the honourable member knows, hearing is now covered under the Workers' Compensation Act. Nevertheless, I appreciate that the point Mr Stubbs is raising concerns noise suppression within the mines. I think he is quite right and this is a matter he should continue to bring to the attention of those in authority in order that a greater degree of awareness might result. My experience has indicated that even the workmen themselves grow accustomed to the noise. They do not notice it after a while and so do not bother about it. Bringing the matter to their attention will serve a very good purpose.

I thank members for their good explanations of the many clauses in the Bill which, of course, is extremely dear to their hearts

because of their past experience and the people they represent. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

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.

Clauses 1 to 48 put and passed.

Clause 49: Section 61 amended—

The Hon. R. T. LEESON: This clause amends section 61 of the principal Act which deals with the regulations. Perhaps the Minister would give me an indication as to what is intended in relation to the contributors to the Mine Workers' Relief Fund and whether any alterations will be made.

The Hon. G. C. MacKINNON: To the best of my knowledge, not at this moment. As wages go up, one would expect the reimbursements to go up. Standards of living and costs rise, so if one were working in the mining industry one would expect one's compensation to rise and, therefore, one's contributions to rise. It would be unwise for me to make a promise that contributions would not rise. It seems to be reasonable that at some time contributors should have to contribute more in order that compensation could go up proportionately. However, as so many compensation schemes are being talked about—a national scheme, and so on—it remains to be seen whether the other schemes will disappear.

The Hon. R. T. LEESON: I agree with what the Minister has said, but at the moment mineworkers' relief payments are $8; they were £4 prior to 1966 and; to my knowledge, have not been increased for many years. I accept the fact that if payments were increased contributions would also have to be increased, but I am wondering whether a decrease in the number of contributors has been contemplated. If the number of contributors decreased by half, the contributions would have to be increased. This was the crux of my question. I asked whether the Government was contemplating altering the number of contributors in some way. Will those in the iron ore industry and other industries outside the goldmining industry still contribute to the Mine Workers' Relief Fund? If not, some alterations may be necessary.

The Hon. G. C. MacKinnon: I understood they did not contribute now.

The Hon. R. T. LEESON: Everybody in the mining industry in this State contributes now. There are some 9 500 contributors in Western Australia at present and half of them are in the iron ore industry. It has been argued that they should not contribute, and I am concerned that if they do not pay, contributions would have to be doubled. A tremendous number of people in the area I represent who pay into the Mine Workers' Relief Fund never get anything out of it. Only between 5 and 10 per cent of the contributors ever receive anything from the fund. If the number of contributors is decreased by half, alterations will have to be made; but at the same time a large number of people who contribute know from the outset they will never get anything back. I want the Minister to indicate whether any changes are contemplated.

The Hon. G. C. MacKINNON: Not as I understand it. As far as I am concerned, this measure is not affected at this time. It is a good Bill. I will draw the attention of the Mines Department to this matter and ask the department to try to look into the future and supply the information the honourable member is seeking.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

BULK HANDLING ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for a charge to be made on all grain and seed producers for the 1973-74 harvest and for a similar charge in a future season subject to the Governor being assured that the provisions of the Act have been complied with.

The charge for 1973-74 is set at a rate equivalent to 75c per tonne of wheat. This proposal was initiated by shareholders at the company's general meeting, and has been agreed to by the Farmers' Union of Western Australia and producers at 18 of the 19 meetings held throughout the wheatbelt. At the one meeting where it was not agreed to, the majority favoured increased tolls rather than a levy.

It is essential that these funds be made available to Co-operative Bulk Handling Limited to enable it to maintain its building and modernisation programme, particularly in the country areas. In periods of increasing labour costs, it is essential that the most modern capital equipment be installed. At times of high returns, it is appropriate that growers make a substantial contribution to the company over and above their normal toll payments, in order to ensure that this programme can be continued.

The funds raised by this charge will amount to $3.4 million. Recognising that the need may exist in the future for a similar charge, the directors of Co-operative Bulk Handling submitted a proposal to the 19 meetings that provision be made for a levy in future years. In respect of this proposal they received support at 17 meetings.

Subsequently, the Farmers' Union requested that the introduction of such a charge in a future year should be subject to a referendum. In the final analysis, it was agreed between the company and the Farmers' Union that, rather than a referendum, there should be a specific provision in the Act that two meetings similar to those held during 1974 should be held in each of the districts from which a director of the company is elected, and that the proposal to introduce the future charge should be supported by a majority of such districts and a majority of growers. These provisions are included in the Bill.

I am advised that in subsequent seasons the charge for wheat may be set so as not to exceed $1.10 per tonne and the charge per tonne for other grain or seeds will be varied according to their densities in relation to wheat. As indicated, such a charge may be imposed only for special purposes and is subject to the approval of shareholders.

It is relevant that at high taxation levels the charge will probably cost the wheat farmer less than the toll as the toll is taxable while the charge, being a statutory charge, is not taxable.

A further amendment to the Act relates to the funding of the current skeleton weed eradication legislation and permits the company to impose a charge on persons delivering more than 30 tonnes of grain or seed, or both. The contribution from individual growers will not exceed $30 per annum; these moneys are required to finance the eradication of outbreaks of skeleton weed and pay compensation to growers whose crops are required to be destroyed. It is the intention that Co-operative Bulk Handling will act as a principal agent in the collection and remission of such moneys to the skeleton weed eradication fund administered by the Agriculture Protection Board.

I commend the Bill to the House.

THE HON. R. T. LEESON (South-East) [9.27 p.m.]: This Bill is fairly straightforward. It provides for a set charge to be made by Co-operative Bulk Handling Limited for the 1973-74 harvest season. There are a couple of other small points in the Bill, but I see no problem with them. We have no opposition to the Bill and support it.

THE HON. H. W. GAYFER (Central) [9.28 p.m.]: I am rather amazed that a Bill dealing with a company such as Co-operative Bulk Handling Limited should be dealt with straight off the cuff and go through without any disagreement. I think it speaks well for the company which this Bill is designed to help. The company comprises many shareholders, and it is the farmers who are the shareholders whom the Bill will help in the long term.

The Hon. R. Thompson: We have faith in the chairman of the company. That is why we pushed straight on with the Bill.

The Hon. H. W. GAYFER: I will convey that remark to the chairman. The proposition before us is a very interesting one inasmuch as it means a departure from the usual method of raising finance for CBH operations. It came about because at the annual general meeting of the shareholders of CBH in March of this year a resolution was carried recommending to the directors—

> That consideration be given by the directors to the raising of the toll by two cents a bushel or a nonrepayable levy of two cents a bushel be considered, and if either is agreed to the matter be referred to a special meeting of shareholders or a series of meetings held throughout the country to explain the proposition.

That resolution was carried at the annual general meeting with one dissentient voice.

I understand the directors investigated the motion passed at the annual general meeting, and for various reasons they decided the best way to put it into effect would be to go out and talk to the farmers. The proposition of placing a levy of 2c a bushel on the 1973-74 harvest was discussed at 19 meetings throughout the agricultural areas.

The reason this extra money was necessary was purely and simply that, due to increased building costs, the current year would virtually be a holiday as far as the construction of facilities in country areas was concerned; it would be a year's holiday because in fact the building programme was so great that insufficient money was available for the company to continue with it. So, in fact, if the 173 million bushels of grain handled by the company last year —and that was not all wheat; it included other grains such as oats, barley,

linseed, rape, etc.—were subjected to the levy of 2c a bushel it would return an amount of $3.446 million to the company.

This will be a straight, nonreturnable levy—something distinctly different from the toll system which has been in operation for many years. It will mean the company will not eventually have to pay back the money, but may proceed with the buildings which are needed in so many centres.

Basically, the position is that throughout Western Australia there will be some 200 points of modern horizontal grid unloading facilities. At present the company is 25 short of that number, so 25 centres have yet to be upgraded in order that all shareholders throughout the State will have equal unloading facilities; and that, of course, is the aim of any true co-operative.

The Hon. J. Heitman: How do you decide where they should go?

The Hon. H. W. GAYFER: Many factors are taken into account when making the decision. Firstly, as the honourable member should know, if a district has a production of 200 000 bushels and is 25 miles from the nearest facility, then it is automatically entitled to its own facility. That refers mainly to off-line facilities.

The Hon. J. Heitman: I know about the two sidings being cut out, but what criteria do you use to make the decision fair and equitable to everyone?

The Hon. H. W. GAYFER: I do not know that two sidings are cut out. If we were to stick to the principle applied in the days of the horse and cart of constructing facilities six miles apart, then we would not make as much progress as we have so far. The idea is that sufficient wheat must be delivered at a centre to make the centre warrant its own bulk handling facility.

If CBH were to construct sidings every six miles there would be no possibility of its ever being able to afford to do that throughout the State. CBH has a system of plotting all farms, and this is taken into consideration by planning officers. If the honourable member cares to visit the CBH office he will see graphs and plans of delivery patterns which show exactly where deliveries take place. It is necessary that facilities be placed to the best advantage to the greatest possible number of growers, in order to give the growers the full service to which they are justly entitled. Consequently, every second siding is not always cut out. I cite for example the Brookton-Corrigin railway line, which had eight sidings, but now has three. It is envisaged that the area between Ardath and Corrigin—which has three sidings; namely, Babakin, Bilbarin, and Nornakin—will have one facility to be situated in an area which is contiguous with all three of the existing points. Cuballing and Popanyinning are two towns which each have a service at the moment. Neither of those services warrants upgrading with the type of facility presently proposed. Consequently it is planned that a facility will be installed between the two towns—as it happens, six miles from each town.

The State is divided into sections which are certainly in most cases further apart than was previously the case. It is divided up in such a way that everyone should be within a 12½-mile radius of a delivery point. However, in some cases the bins are a little closer than that, depending on the amount of grain coming in from outlying areas, on rail services, and on other factors.

New sites are chosen in consultation with the local authorities, the Main Roads Department and, if there happens to be a railway near them, the Railways Department. Above all, they are chosen in consultation with the consultant engineers of the company and the consultant engineers of the Railways Department. Sometimes it is not possible to build a facility exactly where the company and/or the farmers may like it to be installed purely and simply because the nature of the soil in the area is such that additional foundations would be required at a cost which would not warrant the installation. Therefore the facility is resited.

Alternatively, in many cases the siding is situated outside the town. I quote Dalwallinu as an example. The siding there is sited some 2½ miles out of the town. It was placed there as a result of the gradient of the line and the construction of a loop to run parallel to the existing line. The facility had to be moved for that reason.

I recall that the people in Brookton for many years asked CBH to remove the facility from the town because of the dust problem, and the installation was resited some two miles away. However, at present the sidings are placed in positions which are accepted by the people who use them; but there always seems to be a degree of animosity about who shall get a siding and who shall not.

I remember the case of Jerramungup and Needling Hills, each of which wanted a siding. The facility was placed between the two towns, and the people in the area are happy with the present set-up.

The levy is designed to enable the company to continue to construct the last of the 25 installations in order to complete the five-year programme it undertook to upgrade the whole of the facilities in the State. When one realises that the wheat-growing area from Geraldton to Esperance is nearly equivalent in size to an area stretching from Brisbane to Adelaide—across three States—one realises it is a tremendous task to provide modern facilities for the growers. We have a company with some 12 811 shareholders which is

providing a service second to none in the world, and certainly second to none in Australia; and it is entirely financed and owned by the growers of Western Australia.

This achievement has been possible only because of a co-operative effort on the principle laid down by the Rochdale fathers of co-operatives, many centuries ago. This system is a true example of a co-operative in Australia at the moment.

The legislation before us is a slight departure from the normal practice, but it is to enable the company to provide the facilities farmers in the agricultural areas require. I have said before it is the intention of the company to undertake a second phase of building operations once the initial programme is completed. The second phase is already on the drawing board, and it is intended to provide at the new, upgraded sites, vertical silos to be compatible with the existing horizontal silos to cater for the segregation of grain, the problems associated with insect control, and the fast outloading which is necessary to load the trains which are at present operating not only on broad gauge, but also on narrow gauge.

I think it is as well that members should know exactly what these buildings entail to the farmer. We are considering now a cost imposed on farmers to create a capital fund to provide facilities. This is an expenditure to the farmer at one end of the line. When we consider the other end of the line, the objective is purely and simply to reduce the handling costs of farmers by placing facilities at fewer points throughout country areas, but upgrading facilities so that less labour is required and less handling costs are incurred. If by increasing the capital cost at one end of the scale we reduce the handling cost at the other, then the balance left to the farmer must be—and is hoped to be—greater than he receives at the moment.

When I say "it is hoped to be greater" I mean I hope it will certainly contain the rising costs at present being experienced due to inflation, and thereby will retain for the farmer his fair proportion of the remuneration from the crop.

As I said previously, the provision of these facilities is only a start. It has taken five years to get this far. In the last 10 years the company has spent $114.996 million on the upgrading of facilities and in the last four years it has spent $80.873 million on the upgrading of facilities in country areas and at the ports. Of course, that is a lot of money. The indebtedness of the company at the moment is approximately $83 million, but it has the backing of State Government guarantees, and it has faith in the future. Certainly there is no indication that the farmers will go wanting for handling facilities which at the moment are so much better in this State than those in any other State. Of course, the company is not stopping at the construction of the type of facility it is presently erecting. The ports are being upgraded. The facility at Esperance was designed to cater for a greater volume of grain than it presently handles.

Some work is still required on the port of Albany. Three years ago $5 million was spent on that port and already there are plans to spend another $3 million or $4 million to upgrade its conveyor or outloading facilities. At present the Albany bulk handling facilities are outloading at a rate of 400 tonnes an hour, and by present-day standards this could be said to be low. The rate is certainly low when compared with the rate at Geraldton where the facilities load at 800 tonnes an hour, and Fremantle where it is 1 650 tonnes an hour. The rate of loading at Albany is certainly low compared with the proposed Kwinana project which will be outloading grain at 5 000 tonnes an hour.

But nevertheless Albany is one of those ports which has a high priority and soon it will be reconverted, rebuilt, and modernised in order to take advantage of these high outloading figures and possibly a conveyor belt which will outload to the tune of 1 650 tonnes an hour will be installed very shortly, much to the satisfaction, I am sure, of the Albany people.

So it can be seen that the company, in itself, has at all times to keep on building in order to keep pace with the development of the State. It is only three short years ago that the company representatives went overseas and were able to borrow $30 million at 6½ per cent interest which seems a very reasonable interest rate to be obtained on a sum of $30 million, with the term of repayment extended to 1988. The purpose of this loan was to construct the Kwinana terminal which is under way at the moment. At least I hope it is under way because I understand there was talk about a slight stop-work meeting this afternoon. When this terminal is completed with its 144 cells, an outloading of 5 000 tonnes an hour will give a turnaround of ships which, once again, will reduce to growers the cost of exporting wheat. It will also entice to enter Cockburn, ships which would not normally enter that port. In fact, this port will be able to cater for and load vessels of 120 000 tonnes in 70 feet of water without any trouble.

So it can be seen that the upgrading of the facilities throughout the State on the one hand, and the proposed upgrading of the facilities at the ports on the other, must reduce the overall handling costs, attract a greater tonnage of shipping, and eventually mean considerable financial recompense to the grower.

As an aside I think I should add that the standard gauge railway, on which all the loading facilities have been upgraded and completed, has been in operation long enough to make a check of the cost to

CBH to operate the line between the Avon Valley terminal and Southern Cross. It has been found that the cost has not been reduced by one-third, but reduced to one-third of what it normally would cost to handle grain from the trucks, onto the silo, and then down to the ships.

The contribution of this 2c levy has been agreed to by many farmers throughout the State. Some dissatisfaction has been expressed that a sufficient number did not attend the shareholders' meeting. From my observations, the publicity given to this meeting was certainly well in advance of the date set and the holding of the meeting was certainly circularised, and if some farmers did not attend it then, in my humble opinion, they must have agreed with the proposition or they would certainly have made a point of attending. All those who attended the meeting, with the exception of one, agreed to the levy. I can quote the figures, and if some honourable member cares to ask me I can prove that in about 70 per cent of the cases the vote was unanimous to take the action that is intended under this Bill.

In the Bill there is a further provision that in future years, subject to the directors holding two shareholders' meetings in each of the directors' districts and agreement being reached at such meetings, a similar levy can be imposed up to 3c a bushel for every 1 000 bushels produced. But the company does not envisage that the $3.446 million that will be gained by this non-returnable levy will, in fact, allow this building programme to be completed; a programme that will undoubtedly cost $13 million. Did I notice that the skeleton weed eradication programme was included in this Bill, Mr Minister?

The Hon. J. Heitman: Yes.

The Hon. H. W. GAYFER: Briefly, I would like to deal with the establishment of a fund to finance the skeleton weed eradication programme which will mean an amendment to the Bulk Handling Act. In my opinion this amendment to the Act is one that should not be readily approved by Parliament. I believe that the amendment to the Act for the purpose of collecting a $30 levy from each grower who produces in excess of 1 000 bushels of wheat is well and truly justified in dealing with the problem which will face growers by and large if skeleton weed becomes well established as it possibly will according to the findings in various parts of the State.

However, like many of my colleagues I object to the fact that CBH will be placed in the position of being a tax collector to gather contributions for a fund which normally would be the duty of the marketing authorities or agents who actually pay out money to the growers. This, I think, only leads people into believing that CBH does in fact pay the growers for the grain they deliver to its facilities and, funnily enough, this is a belief which is shared by many people.

The Hon. J. Heitman: Do not look at me; I do not believe it.

The Hon. H. W. GAYFER: I was not looking at the honourable member. If I appeared to be looking at him I was doing so only with adoration and I will do that again shortly. Many people believe that, because of the facilities it operates, CBH does pay out to the growers their entitlements on the sale of grain, but this is not so.

The Hon. R. Thompson: Even I could have told you that.

The Hon. H. W. GAYFER: The Leader of the Opposition would be surprised how many people do believe that. However, we are incorporating in this legislation a provision whereby the CBH will facilitate payments to the Agriculture Protection Board of the $30 collected from each grower who grows in excess of 1 000 bushels. This means that the company will prepare the pay-in slips and the documentation of the number of bushels grown by the various shareholders which, in turn, will present the documentation to the paying authority and, in turn, it will demand $30 from each grower for every 1 000 bushels grown. Although I realise that this is the most effective way to deal with the problem, I do not like the Bulk Handling Act being used for the collection of a levy.

I am sure that when the directors of the company meet and are informed of what has happened to their Statute they will raise a few objections to such a move. On the other hand they are all practical farmers and the company is very cognisant of the dangers of skeleton weed if it is allowed to become rampant. I make the point that whilst I agree that this money has to be collected in order to resolve this problem, I would hate to see the Bulk Handling Act used in the future to collect a levy of a similar nature. I support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.55 p.m.]: First of all I thank Mr Leeson for his support of the Bill, brief though it was.

The Hon. R. Thompson: Brief and to the point.

The Hon. N. McNEILL: Yes, and I may say completely effective.

The Hon. D. K. Dans: Does this take care of African love weed, too?

The Hon. N. McNEILL: No. Obviously Mr Dans should not rely too much on his memory, because it was not African love weed, but African love grass. I am sure that is what he meant. However, this Bill has nothing to do with African love grass

and there is no relationship between that pest and skeleton weed, which is one of the subjects of the Bill.

I wish to express appreciation to Mr Gayfer, and I am sure it will be shared by other members, for the enthusiasm which was clearly indicated in the remarks he used to support the Bill. I feel I should go a step further in referring to his remarks to the extent of referring to another aspect of great value to this section of primary industry in Western Australia and in fact in the whole of Australia; an aspect which was illustrated by the figures quoted by Mr Gayfer relating to the tremendous capital investment of Co-operative Bulk Handling Limited in constructing facilities far and wide throughout Western Australia over the years. I do this because it was not referred to by me when introducing the second reading of the Bill. I might say that the spread of this great organisation would no doubt have passed unnoticed had it not been brought to the light of day as it has by Mr Gayfer tonight.

This co-operative has more than capital invested; it is an enterprise of great organisation. I well recall in my very young days the commencement of Co-operative Bulk Handling Limited and the trials it went through in those days in order just to get a silo off the ground. Today it is certainly a major enterprise in the economy of Western Australia. Therefore I think we should acknowledge the contribution that has been made by this company both in cash and in time and the investments it has made through its directors and shareholders. As Mr Gayfer has said, I think it must bear repeating that this investment has been made possible by the growers making their own contributions and investments in the industry.

This undertaking is surely one of the greatest examples of self-help one could ever experience and witness in this country. So I add my appreciation—which surely must be the appreciation of all the people in the State—to those people who have contributed so much to the welfare of primary industry and Western Australia in general. These comments would apply to the officers and management of Co-operative Bulk Handling Limited; in particular to the manager himself, Mr Mick Lane.

With those words I repeat that I am pleased with the support that has been given to the Bill. Before I conclude perhaps I should refer to the skeleton weed provision. The comments made by Mr Gayfer have been noted. He has taken some exception to the fact that the Bill is being used as a vehicle to collect this levy from the growers to establish a fund for the eradication of skeleton weed and to pay compensation to those farmers who are affected by it. Perhaps it was not originally proposed that a Bill which sets out, for the most part, to make provision for co-operative bulk handling should necessarily be used in this fashion. Nevertheless one can only comment on it inasmuch as the Bill provides for the imposition of a levy for various purposes; it has been, perhaps, considered as an expeditious means of collecting such a levy which is justified.

It is closely related to the overall operations and the economics of operations of the wheat industry in particular, but not solely that industry. I accept the remarks made by Mr Gayfer in relation to this Bill.

The Hon. T. O. Perry: Will the sum of money be deducted from the first advance?

The Hon. N. McNEILL: As I understand the situation the deduction made by Co-operative Bulk Handling, presumably, will be from the first advance.

The Hon. R. Thompson: It is set out in the Bill; 1973-74. It is payable within six months of coming into operation of the Act and, likewise, in succeeding years.

The Hon. N. McNEILL: The machinery will be used through the agency of Co-operative Bulk Handling. That is the position as I understand it. I again thank members for their contributions and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 34D added—

The Hon. J. HEITMAN: Proposed new section 34D deals with the eradication of skeleton weed. I have received three calls today from people in the Narembeen area where a search for skeleton weed is being conducted at present. I understand that approximately 80 people are walking, shoulder-to-shoulder, through paddock after paddock, while other people are sitting on headers watching the ground in an effort to eradicate this weed. I understand a number of plants have been found.

It is felt the method adopted is the only way to eradicate the weed. I agree with Mr Gayfer that Co-operative Bulk Handling should not have been asked to be the collecting agency. However, we all realise the tremendous advantage of the fund to the people in Western Australia.

I feel sure very few farmers will object to a payment of $30 each year into the fund for the purpose of eradicating this noxious weed which would prove detrimental not only to the farmers, but to the whole of the State. I express my appreciation

to those who are assisting in the eradication of this weed, and I also express appreciation to the farmers who will pay the fee of $30 through the agency of Co-operative Bulk Handling.

The Hon. H. W. GAYFER: The actual legislation dealing with the establishment of the fund will be dealt with following the passage of the Bill now under discussion. This Bill provides for contributions to be collected by Co-operative Bulk Handling. The complementary legislation will be dealt with subsequently.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

SKELETON WEED (ERADICATION FUND) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice) read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [10.08 p.m.]: I move—

> That the Bill be now read a second time.

Skeleton weed is recognised as the most serious weed of grain and other seed crops in Australia. It is a most vigorous perennial, providing strong competition and hindering harvesting.

Skeleton weed is firmly established in the wheatbelt of eastern Australia, and significant production losses are attributed to its presence. Yield losses due to the competition of skeleton weed alone have been estimated at $30 million per year, and this amount would be even higher with the ruling world wheat prices.

Grain and seed producers in this State have enjoyed an advantage because skeleton weed has not become established here.

The first outbreak of skeleton weed was recorded in Western Australia in 1963. Twenty three outbreaks have since been recorded, 10 of these occurring during the 1973-74 crop year. Most of the recent serious outbreaks occurred at Narembeen, and ranged in size from 75 hectares down to single plants. The vigorous growth, particularly of the thicker stands, caused immediate alarm and an awareness that the State grain and seed industry could be affected by skeleton weed.

Skeleton weed is well adapted to our climatic conditions, and infestations have been located at Pithara, Geraldton, Ballidu, Badgingarra, Narembeen, Perth, and Esperance. The range of areas in which the weed has been found indicates its adaptability to the cropping districts.

Every effort must be made to eradicate skeleton weed now, before it becomes firmly established. Present knowledge indicates that eradication is still a definite possibility.

A suggestion was made by the Farmers' Union of Western Australia that all growers of grain and seed should be levied on production to provide funds for a major education and eradication campaign, and to provide a pool from which compensation could be paid to growers required to destroy grain, seed, crops, or bags.

Because a levy on production would constitute an excise, which is a Commonwealth preserve, the introduction by the State of such an equitable levy is not possible. A fixed charge is proposed as an alternative, and although some inequalities may appear to exist in such a procedure because production and farm size are not taken into account, the importance of eradicating skeleton weed makes it necessary to introduce legislation immediately to provide funds by imposing such a charge on growers.

The inequality is not as great, however, as may be imagined. The only way in which skeleton weed will be eradicated in Western Australia is for individual farmers to be fully conscious of their responsibility to look for, report on, and assist in the eradication of this plant. Education must comprise a substantial part of the campaign. It is therefore directed to the individual, whether he be a small or a big farmer. Equally, a small farmer may receive as much compensation as a large farmer if he happens to have an outbreak in an individual paddock.

I shall now outline the main features of the Bill. The measure provides for the establishment of a fund to be known as the skeleton weed eradication fund. Contributions by growers and any interest credited shall be kept in this fund.

Allowance is made for payment from the fund with Agriculture Protection Board approval, and subject to the approval of the Minister for Agriculture.

The Bill specifies the types of payment which can be made. These include expenses directly related to the campaign, and compensation payments to farmers required to destroy grain, seed, crops, or bags. The Bill also allows for the investment of moneys in the fund by the Treasurer and the disposal of any excess funds remaining at the end of the three-year term of the legislation; that is, the 1975-76 crop year. Any moneys in credit

at that time may be used by the Agriculture Protection Board, subject to the Minister's approval, to control weeds commonly occurring in crops.

Allowance has been made for the Treasurer to advance money to the fund. Any such advances are repayable by the Agriculture Protection Board from the fund.

The Bill details the liability of growers to pay contributions. Each grower producing more than 30 tonnes of grain or seed shall be taxed $30 in each of the crop years 1973-74, 1974-75 and 1975-76. A grower is required to pay only on total production of grain and seed and, in the case of multiple payments which may arise if contributions are deducted by more than one marketing or handling authority, all amounts in excess of $30 shall be refunded.

The Minister may appoint a receiver of grain as an agent to collect contributions from growers. Provision has been made for a body corporate or a person to be appointed a receiver of grain.

The Bill permits a receiver of grain without any further authority than given under the Act to deduct contributions from growers. These receivers and the Co-operative Bulk Handling Ltd. are required to forward to the Agriculture Protection Board a return of all deliveries, together with contributions deducted from the growers. It is the intention that Co-operative Bulk Handling will act as a principal agent in this respect, and the current Bulk Handling Act Amendment Bill will enable the company to make deductions from growers.

The Bill enables compensation payments to be made to growers required to destroy grain, seed, crop, or bags. The value of the items destroyed is based on their value at the time, determined by agreement between the board and the owner, and is not to be reduced because of the presence of skeleton weed. Before grain or seed are destroyed, samples are required to be taken by both the grower and the inspector, and in the event of a dispute, an officer of the Department of Agriculture shall assess the value on examination of the samples.

The decision of the officer is final. A Local Court has the final decision in the event of a dispute over the value of a crop or bags and either party may appeal to the court.

Provision has been made to limit the operation of the Bill up to the 1975-76 crop year, and no longer as I have already indicated.

I commend the Bill to the House.

THE HON. R. T. LEESON (South-East) [10.14 p.m.]: It is a tragedy that we do have skeleton weed in Western Australia at the present time. We know what has occurred in the Eastern States and for a number of years we have dreaded the thought of its introduction to this State. In recent years we have had some minor outbreaks. The farmers in the Narrembeen district are in considerable trouble and it is hoped that, with some luck, they will be able to eradicate the weed in that area and will be able to prevent it spreading.

I notice that in his second reading speech, the Minister put a lot of emphasis on the fact that farmers will be encouraged to keep their own properties free from skeleton weed. I can well imagine what sort of job that will be because I know how many weeds I find on my quarter acre block and the job I have to get rid of them. I would hate to have to watch over 4 000 or 5 000 acres. However, the people of Western Australia, and particularly the farmers, realise the importance of the eradication of this weed. I am sure that with perseverence the infestation can be contained, and eventually eradicated. I wish the farmers all the very best, because as I said before, we have seen the dreadful results of the spread of this weed in other parts of the world, and particularly in the Eastern States. I am sure that with everyone's support the problem can be overcome. I support the Bill.

THE HON. H. W. GAYFER (Central) [10.16 p.m.]: I entirely agree with the last speaker, and of course, the Minister emphasised the urgency of the measure when he introduced it. I suppose I would be the only member of Parliament in Western Australia who actually joined the walkathon and moved through these vast acres looking for skeleton weed. There were 150 of us five feet apart. We marched through the stubble, and I can inform members that that is not a pleasant pastime when it is 110 degrees in the shade, although we were recompensed afterwards. These walkathons are an exacting business, and as Mr Heitman said when he spoke to the previous Bill, the students of the school of agriculture have helped by participating.

Recently I drove out to the Mt. Walker area and revisited some country we had walked through only last February. We saw stakes at varying intervals through the pasture, signifying a regrowth of some of the weed. In fact, the weed was not cleaned out entirely by the weedicide applied at that time. It will be a disaster if this weed spreads any more than it has at present.

I do not believe any farmer will object to paying $30 into a fund to help to eradicate skeleton weed. This fund has been limited to participants in their own right in this State, and there are several reasons for this. If the levy had been applied generally to grain, the Australian Wheat Board could have made the deductions. However, farmers in the Eastern States may have wanted those in our State to contribute to a fund to eradicate

their problem. Of course, that would be a gigantic task, and we would not want to be involved with it, any more than farmers in the Eastern States want to be involved with our particular problems.

During the debate on the last Bill I stated that I was not particularly happy with the way that Co-operative Bulk Handling was asked to be the recording or collecting agent for this levy.

Clause 12(2) of the Bill provides for the company to forward a return showing the amount of contributions deducted in respect of grower deliveries. It is not possible for the company to deduct anything from anyone as it is not in possession of funds belonging to growers, nor does it pay the grower for grains delivered. That was the point I made in regard to the previous Bill. Talking generally on the clauses of the Bill before us, I notice that the definition of the word "grower" reads as follows—

> "grower" includes the legal personal representative of a deceased person, a trustee, the liquidator of a company, a person entitled to a share of a crop, under a share farming agreement, and a corporation, organisation or body delivering grain to a receiver of grain or seed;

This means that separate levies must be paid by several persons in respect of one property, and no doubt this is the intention of the legislation. It would be fair to deduce that there are possibly some 12 000 shareholders in CBH and that some 12 000 would deliver grain. However, these deliveries would not necessarily come from 12 000 different properties, so it is reasonable to assume that the draftsman has worked out the number of people who deliver grain, and presumably multiplied that by 30 in order to reach a figure of some $300 000 or thereabouts which will be necessary to eradicate the weed. However, we must not be carried away with the idea that this will mean only $30 per property, because it is definitely stated in the measure that a collection will be made from anyone who delivers in excess of 1 000 bushels to Co-operative Bulk Handling. I know it will mean $90 from our property, because we deliver under three separate names.

I would like the Minister to look at the Bill, because I have noticed something that appears to be a mistake. The definition of the words "crop year" appears on page 2. It reads—

> "crop year" in relation to a receiver of grain or seed or to the Company means the period in which that grain or seed is grown and harvested;

This makes no allowance for grain to be delivered after it is harvested, and certainly not for grain which may be stored for some considerable time. Grain may be harvested towards the end of what is commonly known as the receival year—the October following every harvest. If the farmer harvests his oats and fills his silo rather than feed the oats to his stock, he could then deliver many thousands of bushels later in the year, and many farmers do this. However, the way the Bill is worded, after the farmer has finished harvesting, there is no provision to collect the levy at a later time. I refer the Minister to clause 9 (2) which says—

> (2) Subject to this Act, every grower who delivers thirty or more tonnes of—
>
> (a) grain;
>
> (b) seed; or
>
> (c) grain and seed,
>
> to the Company or to a receiver of grain or seed grown during the crop year 1974-1975 or the crop year 1975-1976 shall in respect of each such crop year in which he so delivers pay a contribution to the Fund.

To my way of thinking this provision cuts across the definition of "crop year". I believe it could be corrected by deleting the words "in which he so delivers" from line 13 of (2). The other alternative is to delete the word "in" following the word "year" and to insert the word "from" in lieu thereof. I hope the Minister can see what I am driving at. It is extremely likely under the provisions of the measure before us that the levy could be struck only on grain delivered at harvest time. In fact, it is not even clear to me that the levy can be collected after the grain is harvested. How can we know what is delivered unless we can deliver within a week after it is harvested? I am sorry to have brought this up at such a late stage, but I have no doubt the Minister will be able to clarify it during the Committee debate.

THE HON. N. McNEILL (Lower West—Minister for Justice) [10.26 p.m.]: I am again grateful to members for their support of the Bill. I think I understand the point raised by Mr Gayfer, although he will recognise it is not very easy to follow as we try to read the measure. In view of this, I believe it is highly desirable to have the matter checked before we proceed any further as it may involve some varied interpretation. I am quite agreeable to having this matter closely examined. I therefore intend that we do not proceed with the Committee stage this evening. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th November.

THE HON. S. J. DELLAR (Lower North) [10.28 p.m.]: This Bill seeks to make quite a few changes to the parent Act by way of amendment. At the outset I say it is not my intention tonight to make the speech applauding local government that is made every time an amending Bill to this Act comes before the House. It has become an annual event to amend the parent Act, and I merely reiterate what has been said before that local government has to move with the times. This is the reason for the many and varied amendments to the Act.

I wish to comment on a number of the amendments proposed in the Bill, and I will do that as I proceed through it. A few matters will need clarification during the Committee debate, and I am sure the Minister will have the answers to my queries. One amendment appears on the notice paper as a result of a request by the Opposition in another place, and one further amending provision has been included in the Bill which the Minister failed to comment on during his second reading speech. I will say more about this when I come to it.

The first amendment in the Bill is to section 6, the interpretation section of the parent Act. It is intended to repeal the interpretation of "absolute majority" and to substitute a new interpretation. In the past it has not been absolutely clear that the definition referred to committee meetings as well as council meetings. The new interpretation makes it quite clear that the definition applies to full council meetings and to committees of the council.

Clause 6 repeals an anomaly which has existed in the parent Act since its introduction in 1960. It deals with payments to local government officers who act as presiding officers and returning officers at council elections. In the past, these payments have been prescribed by Parliament and, of course, it has been necessary on many occasions since the Act was introduced in 1960 to amend this section to keep pace with changing monetary values and the natural request by officers for increased reward for their duties.

In future, the payments will be prescribed by regulation. While we do not always agree with the provision in Acts of Parliament of regulations to carry into effect the requirements of the Acts we believe it is desirable in this case and will eliminate the necessity to bring this Bill before the Parliament in order to amend the section.

Clause 7 deals with a person's ability to speak at council or committee meetings on matters in which he has a special interest. This subsection of the Act has caused numerous disputes and clause 7 will clarify the situation by allowing a person to speak at such a meeting, provided the absolute majority of the persons present at the meeting is in favour of his doing so.

Clause 8 will add to section 181 of the principal Act the words, "aged persons' home, recreation ground". This clause will be covered in a little more detail as the debate progresses. It provides, of course, that managing committees can be set up to administer these activities provided by local authorities.

Clause 9 deals with the requirement of local authorities to publish and display by-laws for a certain period during which time the public can view them and have the opportunity to object before the by-laws return to the Minister for subsequent ratification and tabling in Parliament. The present provisions in relation to this matter are absolutely ridiculous because in many cases the notice board of a local authority, particularly in small country towns, is nothing more than a sheet of masonite stuck on the side of a building, whereas in other cases, local authorities erect proper, glass enclosed notice boards. Even so, if two or three by-laws are amended at about the same time, or new by-laws are being promulgated, the local authority could have anything up to 48 pages to place on the notice board. There are not many local authorities in Western Australia which could boast a notice board sufficiently large to accommodate such an eventuality.

Whether or not they have acted illegally —if they have, I am one of them—some officers in the past have put on the notice board a notice indicating that certain by-laws are available in the office and can be viewed by members of the public in the comfort and convenience of the shire office. This clause will legalise what I believe has been done by many officers over a great number of years.

Clause 10 deals with offences. The Bill contains about eight amendments rectifying omissions when the Act was amended last year; at that time, we went through the parent Act and increased most of the penalties. However, somebody overlooked some penalties, and these have now been included.

Clause 11 provides for extensions to the by-law-making power of local authorities. This has been brought about mainly by problems encountered by some metropolitan local authorities in respect of parking on grass verges, etc. The Minister explained this in full detail during his second reading speech. It is a necessary amendment and will permit local authorities to extend their by-law-making powers to cover such activities.

Clause 12 deals with registration of private swimming pools. I understand that my colleague, Mr Stubbs, wishes to deal at length with this question, and I will not refer to it now. Clauses 13 and 14 merely provide for increased penalties.

Clause 15 is a very important clause because it gives local authorities the legal right to prohibit persons from naming new

subdivisions without first obtaining the permission of the local authority or the Nomenclature Advisory Committee. It has been found in many areas of the State, particularly in the metropolitan area, that many names are quite similar. If we did not know what we were drinking, we could mistake Cawarra for Coonawarra; that is a very loose example of what can happen. Clause 15 will tighten up the situation and will require subdividers to first obtain approval of the name of the subdivision before advertising the subdivision. Clause 16 deals only with penalties.

Clause 17 is another important amendment to the Local Government Act. It deals with the delegation of authority to building surveyors; the Act is to be widened to include town planners. In the past, where a council may have a predetermined policy in relation to some aspects of its building by-laws—this of course has been extended into the town with the sections of the authority—delays have occurred in the approval to grant building permits by virtue of the fact that the inspector was said by the council not to have the authority to approve a building plan before the plan had gone before a meeting of the council. On many occasions, it has been claimed that inspectors have acted outside their authority.

Many local authorities throughout the State which appoint inspectors agree that he shall have the right to approve certain building plans without reference to the council, provided those plans conform to the uniform general building by-laws as they apply to that particular local authority's area. Subsequently, the local authority ratifies the approval granted by the building surveyor. This provision has been extended to include town and regional planners who of course would be required to act within the predetermined policy of the local authority and also, if necessary, in accordance with the necessary Acts and by-laws with which they are dealing.

Clause 18 provides for increased fees to be paid to pound keepers for their particular job of transporting stray dogs, cats and other animals to the pound and for other incidental services; the clause provides for only a minor increase which I believe to be quite justified in view of the costs involved.

Clause 19 extends to local authorities the power to pay to members of the local council compensation for loss of earnings when attending civil defence schools. Normally, such schools are held in the Eastern States, although some regional schools are held in Western Australia. Since we amended the Act last year, some doubt has been expressed; the suggestion has been made that perhaps the provision requiring the authority to pay councillors' out-of-pocket expenses for attending these schools was not intended; this clause clarifies the situation and removes any doubt which may exist.

Clause 20 deals with the authority of a local council to expend other than loan funds on the construction of public swimming pools. In the past, some local authorities have reasoned that they possess the authority to use general revenue funds for the construction and equipping of municipal swimming pools. It has always been my understanding that the Minister's approval was required before such expenditure could be undertaken. However, some councils have expressed doubt as to the correctness of this view and this clause sets out quite clearly that in future, a local authority must first obtain the prior consent of the Minister for Local Government before expending revenue funds on the construction and equipping of public swimming pools.

Clause 22 is an important clause which deals with the revaluation and increased valuation of land. As the Minister explained in his second reading speech many problems have been associated with the administration of this section of the Act. I do not intend to go into the matter at any great length, but problems have been experienced where a particular area may be subdivided and where revaluation is not due for two or three years. The valuer subsequently comes along and the local authority gets a valuation of a subdivided area which would apply in two or three years' time, thus giving the property an inflated valuation compared with the value which should have been placed on it at the time subdivision was carried out.

Clause 23 deals with an increase in the valuation of gas mains and electricity lines for rating purposes.

Clause 24 deals with section 545 of the Local Government Act and is one in relation to which I have found myself in rather deep water on several occasions. It deals with the situation where land which has been rated and which has a valuation placed on it at the commencement of a financial year subsequently—perhaps half way through the year—becomes nonratable, whether by virtue of the fact that the land was leased or something of that nature. It has been argued that rates imposed on the basis of a valuation which existed at the commencement of a financial year and which are paid in advance should not be refunded if the land subsequently becomes nonratable.

That was always my view. Conversely it was always my view that if land became ratable as at, say, the 1st January of any year, the local authority was quite entitled to charge one-half of the annual rates for the balance of the financial year. I recall one situation where I put my belief into effect in respect of two people, who both appealed against my actions. Their cases came up on the same day and were heard by

the same magistrate. He made one decision in my favour, and one in favour of the other appellant and to this day I do not know whether I was half right or whether the magistrate knew what he was talking about.

The Hon. N. McNeill: You knew what he was talking about, and you knew you were right only half the time.

The Hon. S. J. DELLAR: I think he must have been wrong half the time! The amendment in the Bill will clarify the situation, so that if land becomes ratable at any time during a financial year subsequent to the levying of the rate, the local authority will be empowered to charge a proportion of the rate for the balance of that financial year.

Clause 25 deals with the provision of procedural matters by enactment. Of course, that refers to appeals against valuations imposed by local authorities. I was disturbed when the Minister failed to mention in his second reading speech that this clause had been amended in another place. The reason that I am aware of the amendment is that I raised the matter in our party room. The anomaly which I brought up had a great effect, mainly on local authorities in country districts, and particularly those in the north-west.

There would not necessarily be a great number of appeals against valuations in any one year, and in the case of a very small local authority it might receive only one appeal each year. Section 559 (5a) of the Local Government Act states—

> The appellant may at any time before the day appointed for the hearing of his appeal withdraw the appeal by serving on the Registrar of the Valuation Appeal Court in which the appeal is brought, a written notice addressed to the Court and signed by the appellant and if the notice is received by the Registrar before that day the court shall strike out the appeal.

The objection I raise, particularly as this provision affects local authorities in the north-west and remote areas, is that they may receive only one or two appeals against valuations each year. It is normal practice for them to be in touch with the Taxation Department which provides the revaluations. In the case of an appeal against the valuation the local authority would be represented by counsel. However, under the existing provision in the Act an appellant could walk into the court the day before the hearing of the appeal and set out in writing that he withdraws his appeal.

A local authority, particularly one in the north-west or in a remote area, would have arranged for officers of the Taxation Department and counsel to be in attendance at the hearing of an appeal. Very likely they would travel all the way from Perth the day before the appeal, either by aircraft or by road. When the appeal is withdrawn the local authority would be responsible for costs and expense incurred in travelling, but it would have no recourse to obtain a reimbursement from the appellant.

I shall deal with this aspect in greater detail in the Committee stage. I consider this to be a rather important amendment to the Act, and it might have slipped through without members appreciating the action that has been taken to assist local authorities which are outside the city limits.

Clause 26 deals with the exemption from the payment of rates, in particular by pensioners. A proposition was put forward by the spokesman for the Opposition in another place that pensioners defined under the National Health Act 1953, of the Parliament of the Commonwealth should qualify for exemption. I notice the Minister has an amendment on the notice paper to the wording in clause 27, to provide that the provision in that clause shall come into force on the 1st July, 1975, instead of the 1st July, 1974. This is a very important alteration, because the people who have acted on the assumption that they would be exempt from the payment of local authority rates might have spent the money they had put aside for that purpose and not be in a position to pay them. Thinking that they would be able to claim exemption this year they might have bought a refrigerator or some other appliance with the money they had set aside.

If the date is not altered to the 1st July, 1975, then pensioners who expected to obtain exemption would be penalised. If the date is retained as the 1st July, 1974, the pensioners would not be eligible for exemption from the rates payable this year.

I believe the amendments in the Bill are necessary, and they go a long way to clarifying some dark areas in the parent Act. The Bill will clarify some situations and make for the easier operation of the parent Act. I have pleasure in supporting the measure.

THE HON. R. H. C. STUBBS (North-East) [10.53 p.m.]: I do not intend to be long in my contribution to the debate, and I shall deal with only one aspect—swimming pools. I certainly agree with what the Minister said in his second reading speech—

> When a private swimming pool is not regarded as a building, no license may be needed for its construction, and councils may not be aware that a pool has been constructed. Such a pool may possibly not comply with the by-laws.

From my experience I cannot agree more with that.

When I was Minister for Local Government I directed that an officer of the department make an inspection of the pool involved whenever there was a fatality, to ascertain whether it complied with the by-laws. On some occasions the local authority concerned did not even know there was a pool on the property, until a tragedy occurred.

One tragedy occurred in a swimming pool on an abandoned property. A child wandered a mile to this pool, and was drowned in it. Water is a great attraction to children. This aspect has worried me frequently, particularly as I have grandchildren.

It might be of interest for members to learn that in 1968 when a spate of drownings of children occurred in the previous year, and when swimming pools first started to become popular in Western Australia, I asked a series of questions. I also asked some questions in the following year.

I was so concerned with this matter that I sought information from various States of the USA and Provinces of Canada, to find out the by-laws which governed swimming pools in those countries. Apparently much publicity was given to this matter, because I received a lot of correspondence from local people at the time. That provoked me to introduce a private member's Bill to amend the Local Government Act.

In the second reading debate I cited the various advice I had received. One piece of advice was that a swimming pool should be fenced with a four-foot high fence, with self-locking gates, and no handhole to enable children to climb over the fence. The then Minister for Local Government took the adjournment of the debate.

The Minister saw me after the sitting on that particular day, and told me he intended to introduce legislation governing swimming pools. He kept his word and introduced legislation to bring in uniform by-laws. Those by-laws virtually set out the position as I had outlined it in my second reading speech.

Since then there have been about four drownings each year. When we take into consideration the escalation in the number of swimming pools—the number must have trebled in the intervening years—it shows the safety precautions have had some good effect.

In some cases carelessness has been exhibited. Some swimming pools are built, and entry can be gained through garages which have doors. I did not favour the enclosure of swimming pools partly by garages with doors, while I was Minister for Local Government, because doors were unlocked or left open and children could quite easily, walk through the garage, and go into the pool area.

Other people did not comply with the by-laws strictly. Although they had self-locking gates and four-foot fences around the pools, they had rubbish stacked outside the fences, and children were able to climb over the fences. By this means it was possible for the children to fall into the pool and be drowned. There is a responsibility on the owners of swimming pools not only to safeguard their own children, but the children of their neighbours.

The Minister has said on this occasion that the Minister for Local Government has requested this amendment in the Bill. I am sure he has, because before the change of Government I was doing something about this very question. The proposal in the Bill is that a fee be payable for the registration of swimming pools, so that local authorities will become aware of the location of these pools. Furthermore, they will have to comply with the by-laws. In this manner the location of the pools will be known, and the pools themselves will be subject to inspection once or twice a year to ensure that safety measures are provided.

That is all I have to contribute to the debate. Mr Dellar has covered the other parts of the Bill to a great extent. I would not have taken part in this debate, except for the need to make some comments on by-laws governing swimming pools.

THE HON. N. McNEILL (Lower West —Minister for Justice) [10.59 p.m.]: I acknowledge the support that the Bill has received from Mr Dellar and Mr Stubbs. Mr Dellar went through the Bill rather painstakingly. Other than to comment on the relevant points which he has raised and on which he was able to speak from his experience, there is very little I need to say. Mr Dellar did make mention of a clause in the Bill which had been amended in another place.

I can offer no reason other than the fact that it was not thought necessary to mention it. It was not omitted for any other reason. As members will recall, the second reading speech was fairly lengthy and dealt in some detail with all the amendments and their consequences. I have noted that even in another place little attention was directed at the point. I am aware that an amendment was placed on the notice paper in another place, but because of a consequentiality which was not taken into account the amendment was not proceeded with. In a few words the Minister subsequently indicated he was prepared to make an amendment which would have the same effect, which is the very amendment Mr Dellar now says provides for a withdrawal of appeal not less than three days prior to the hearing. On this occasion I just simply did not refer to it.

Mr Stubbs mentioned a subject which all of those who have been here for some time know has been of considerable interest to him; that is, swimming pools, and the steps which can be taken to protect young kiddies from fatalities which are disturbing to all of us. From his experience as Minister for Local Government and also as a result of the interest he has taken in the subject over a number of years, he recognises the great difficulty in providing any reasonable and protective by-laws or regulations under which these fatalities can be prevented. We are all aware that no matter what we do, toddlers, by some means or other, are capable of doing the unexpected and the surprising. Nevertheless, this does not relieve the authorities of the necessity to take what ought to be appropriate action in this regard.

While the Bill does not provide for any specific action it does provide a facility by way of registration of pools so that at least the local authorities will know they exist, and this in itself could be of great assistance. By experience it has been found that it is not of much value to have by-laws and try to enforce them if, in fact, the situations of pools are not known.

Some people might believe we are acting a little late in the day and that we should have commenced at this point. In other words, it might be felt that we should have provided for the registration of pools first and then provided for fences, gates, and so on, as the next step. This is not necessarily true; it is merely an observation I make, because I do not know it would have been of any greater value than the steps already taken. Certainly it is recognised that the local authorities must know where the pools are if they are to be in a position to enforce whatever by-laws they make—irrespective of whether they will be 100 per cent effective—to prevent the fatalities to which Mr Stubbs referred.

I repeat that I am appreciative of the support received for the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 24 put and passed.

Clause 25: Section 559 amended—

The Hon. S. J. DELLAR: I thank the Minister for his explanation of the reasons the amendments were made in another place. I went to great lengths to read the existing provisions in the Act, but neglected to indicate what the amendment does. It provides that three clear days must be now given by the appellant by notice in writing to the local authority that he wishes to withdraw the appeal. With modern means of transportation, this time should be sufficient and the amendment will overcome any difficulties I envisaged could occurr.

Clause put and passed.

Clause 26: Section 561 amended—

The Hon. N. McNEILL: I move an amendment—

> Page 12, line 14—Delete the figures "1974" and substitute the figures "1975".

This amendment will mean the provision will not be retroactive to the 1st July, 1974, and thus the status quo will remain and there will continue to be an entitlement in respect of the deferment of rates until the 1st July, 1975.

The Hon. S. J. DELLAR: This matter was raised in another place and the Minister there indicated he would have an amendment moved here to rectify the anomaly which otherwise would have occurred. I thank the Minister for moving the amendment which will suit our wishes.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 27 and 28 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and returned to the Assembly with an amendment.

SMALL CLAIMS TRIBUNALS BILL

Second Reading

Debate resumed from the 19th November.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [11.13 p.m.]: The Labor Party has no opposition to this necessary legislation because on the hustings at election time both the Labor Party and the Liberal Party expressed in their policies the intention to establish a small claims tribunal.

The history of this legislation is similar to that in connection with the appointment of an ombudsman in Western Australia. Like the ombudsman, the small claims tribunal originated in Scandinavia and subsequently the idea gradually spread throughout the world. It is socialistic and good legislation because it gives to people who would, in the main, be denied recourse to law, the opportunity to go before a referee, arbitrator, or conciliator depending on the capacity in which he acts.

I think it is of merit that for the sum of $2 this facility will be made available to the public in Western Australia. Normally it could be expected that bond moneys would be withheld by land agents and owners of properties under the subterfuge that something had not been done which should have been done by the tenant. It is a matter which would probably create the greatest amount of work in the short term. The provisions extend into areas other than the professional field, and the maximum amount involved in such claims is to be $500.

Clause 10 of the Bill specifies the duties of the referee and how he goes about them. His main duty is to act as a conciliator but if he cannot bring about an amicable solution by conciliation he is empowered to make an order and his decision will be final.

I wish the legislation well. It may have some shortcomings but it would be wrong for me or anybody else to criticise such new legislation as this. Similar legislation has been introduced in Queensland, New South Wales, and Victoria. Victoria was the first State to introduce this type of legislation in 1973, so it has been in operation for perhaps six months only in that State. When I spoke to a Victorian businessman and asked him how the legislation was operating, he said he did not even know it existed. So it is just as well for the Government to give publicity to this tribunal. Many claims are not contested because of the small amount of money involved and the cost of going to a Local Court.

An amendment to clause 7, relating to eligibility to hold office as a referee, has been placed on the notice paper. The clause sets out the qualifications of persons eligible to be appointed to this office. The clause reads—

> 7. Any person who is admitted and entitled to practice as a barrister, solicitor, attorney, and proctor of the Supreme Court, or in any one or more of those capacities and who has not attained the age of seventy years may be appointed and hold office as a referee.

It has been pointed out that it may be possible to obtain the services of a magistrate who has passed the retiring age of 65. The amendment seeks to extend the age limit to 75. However, provision has been made in the Bill for the legislation to cover the whole of the State, and it could be very tiring for a man of that age to travel extensively throughout the State for the purpose of determining these claims.

In addition, I know for a fact that one solicitor in Western Australia has applied for nearly every job that has become vacant in the Crown Law Department. Heaven help us on the day any Government appoints that person. He is not successful in his own business and I would not like to see him appointed to a position of referee under this legislation.

The Government knows it will not be easy to find persons to take on this job because there are other lucrative forms of employment within and outside the Crown Law service of Western Australia.

I trust the legislation will be used by the public and I certainly hope it will be beneficial to the people who avail themselves of it. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [11.21 p.m.]: I also support the Bill but I wish to make one or two observations about it and I indicate that there are certain aspects of it which I think deserve some attention both now and in the future.

The proposal for a small claims tribunal was mentioned in the policies of both the Liberal and Labor Parties in the last State election. The Bill which has been produced is not a bad one, generally speaking. It has been quite comprehensively researched by the Law Society, which did a great deal of work on it and produced a report to the Minister. In addition, it has been the subject of a considerable amount of discussion and report by the Consumer Affairs Bureau and has been given a great deal of consideration in other jurisdictions, as the Leader of the Opposition has said.

However, the Bill provides relief only for consumers, as against the suppliers of goods and services. In other words, it does not give any relief to a person who has a genuine small claim which is not a consumer's claim. In effect, the tribunal should not therefore be called a small claims tribunal; it should be called a consumers' small claims tribunal. I do not take exception to it in that respect; I just mention that in passing because there are many small claims which should be the subject of a small claims tribunal but which are not included in the Bill.

As the Minister indicated, the Bill refers to complaints made by consumers against suppliers of goods and services involving amounts of up to $500, and also complaints made by tenants in respect of bonds paid to landlords or their agents. The Bill excludes the professional area; that is, complaints against professional people such as lawyers, doctors, architects, and others where there is a disciplinary body which will hear any such complaints. That is quite a proper situation—I do not object to that—but I believe the small claims tribunal should have a wider jurisdiction.

What happens, for instance, about a person who has a small claim against another person or a company for $50, $100 or $150? That is not a small claim within the provisions of the Bill unless it arises out of a contract for the supply of goods

or services. So it must be clearly understood that we are not really talking about a small claims tribunal; we are speaking only about a consumers' small claims tribunal. It is clearly desirable that at some stage the legislation should be extended to include small debts so that we will have in fact a small claims tribunal which considers not only consumers' claims but also small debts; that is, debts of less than $500 or any other figure which is considered appropriate, but $500 is the figure mentioned in the Bill and I think it is a reasonable one for the consumer claims mentioned in the Bill.

It has been said by the Minister that a person who brings a claim for debt in a Local Court can, if he wishes, have it transferred to this tribunal by withdrawing the Local Court case, provided it arises out of a consumer's claim. Strictly speaking, that is not the case. He cannot have the claim transferred; all he can do is withdraw his case in the Local Court and, after it is withdrawn, make a claim to the small claims tribunal.

However, the Bill provides a cheap and speedy method for consumers to have their small claims determined by a referee who must be a legal practitioner and can be up to the age of 70 years, which is five years beyond the normal retirement age of a magistrate.

The jurisdiction of the small claims tribunal is set out in clauses 16, 17, and 24 of the Bill. In addition, the normal rules of evidence will not apply but the rule of law will apply, which means the referee must abide by the principles of law. The referee—who to all intents and purposes is the equivalent of a magistrate—will have to apply normal legal principles. He cannot merely administer what is called "palm tree justice"; that is, off the top of his head.

The Hon. R. Thompson: "Palm tree justice" does not mean that in the Middle East.

The Hon. I. G. MEDCALF: Anyway, I take it "palm tree justice" will not be administered in this tribunal, which will follow the normal legal principles but the rules of evidence, strictly speaking, will not apply. The referee can apply the rules of evidence if he wants to do so but he is not bound by set rules of evidence and he has a certain amount of discretion and flexibility in respect of the taking of evidence and the hearing of witnesses.

There is one way in which the costs will be reduced in this small claims tribunal; that is, by requiring the parties to appear in person. Agents may be allowed in certain cases but only where the referee believes that as a matter of necessity an agent should be allowed, and the referee may impose conditions on the agent. Lawyers are debarred from appearing in the tribunal unless all parties agree. One party cannot have a legal practitioner unless the other party is agreeable.

That may be a sensible decision but I wonder whether people realise that sometimes that very rule inflicts hardship on a person who is not particularly good at putting his case and is not able to express himself very well. Such a person inevitably needs someone to help him but he will not be able to have anyone to help him unless the referee permits an agent to appear, which will be only in a case of necessity and on conditions laid down as to the type of agent who may appear. I take it by that phrase it is intended an interpreter would be allowed to act for someone who does not understand English very well so that he may explain the meanings of the terms and assist the party in giving his evidence and explaining his case.

However, it is I think a doubtful benefit to exclude lawyers. I well understand the reasons for this; and there are a number of tribunals which exclude lawyers. But it is a particularly doubtful benefit in these days when legal aid is provided relatively cheaply or, in many cases, free of charge. It is claimed the presence of lawyers will extend the period of hearing, and this is also something which one hears a great deal about. However, I am not aware that union advocates before industrial tribunals take any less time than lawyers do, and I believe the proposition that lawyers take longer to explain their clients' cases has not yet been proven.

The Hon. R. Thompson: Before you sit down—

The Hon. I. G. MEDCALF: I am not planning to sit down.

The Hon. R. Thompson: Well, may I interrupt to ask you to explain your amendment to clause 37, so that we may give consideration to it?

The Hon. I. G. MEDCALF: Yes, I will do so. The Law Society made a number of very good suggestions, and most of these I am pleased to say have been taken up by the Government in this Bill. However, one suggestion has not been taken up, and I believe it is worthy of further consideration. The Law Society suggested there should be a pre-trial review. That means the parties get together in advance —or immediately before the case is due— and discuss unofficially with the referee what their case is all about. In the case of small claims of consumers, particularly where both parties are relatively unskilled in this type of procedure, it may be that dispute could then be settled quite expeditiously by the referee.

This pre-trial review procedure does not appear in the Bill, and I believe it would be of advantage to give consideration to its inclusion in the future. I believe it

would be an advantage to consider this procedure not only for small claims tribunals, but also for the Local Court. I believe a pre-trial review in a situation like this is one way of handling claims expeditiously and perhaps having a decision made fairly quickly to the satisfaction of all.

Under clause 17, which grants jurisdiction to the tribunals, it is laid down that if a proceeding is pending in the Local Court it cannot be brought in a small claims tribunal. This is one of the reasons I believe it is desirable that small debts should be included in the jurisdiction of these tribunals at some future date. Let us take the situation of a summons being issued in the Local Court. Let us say a supplier has a claim against a consumer in regard to the price of a refrigerator. The minute the summons is issued in the Local Court nothing can be done in the small claims tribunal. So if a consumer has a claim against a supplier, all the supplier has to do is to issue a summons in the Local Court, and that debars the consumer from bringing a proceedings in the small claims tribunal. There is nothing the consumer can do, because action is pending in the Local Court.

If both the debt and the consumer's claim could be heard in the same court the matter could be dispensed with in the small claims tribunal. I think this is a serious defect in the Bill, and it arises as a result of the decision to deal only with consumers' claims and not with small debts in this Bill.

I believe I should make the point quite clear that if there is a claim by the trader, and if he thinks a complaint will be lodged about the refrigerator he has sold, all he has to do is to issue a summons in the Local Court, and the minute he does that the consumer is debarred from bringing proceedings in the small claims tribunal. So long as the summons remains on the record in the Local Court, no action can be taken in the tribunal. Is not that a serious defect? This would not occur if both the small debt and the small claim could be heard by the tribunal.

I draw attention to that, and I commend to the Government that in future it consider bringing small debts within the ambit of these tribunals. If it does not do so, then I suggest it establish a small debts tribunal because at present that is lacking. I do not know what the Labor Party proposed to do about that situation. It is as if we are to have only half a small claims tribunal. I commend to the Government that it is quite important in the future to include small debts.

I would like to draw attention to clause 37, which deals with contempt of the tribunal. Most courts have a provision dealing with contempt; that is to say, where somebody insults the magistrate or judge, or misbehaves, or assaults a witness, or refuses to answer a question, or commits some other act of contempt in the face of the court or tribunal, he may be convicted of contempt.

It may happen that the magistrate, even after the court is over, is assaulted or insulted after leaving the court. This also constitutes contempt.

We have in clause 37 a provision for contempt in the face of the tribunal, which states that if any person insults the referee, either on his way to the court, when he is going home or whilst he is in the court, or insults any of the witnesses or other persons involved on their way to the court, in the court, or on their way home, or misbehaves or interrupts the proceedings, or assaults anyone in the court, or disobeys a lawful order of the referee, he is guilty of contempt and may be summarily dealt with on the spot by the referee and imprisoned for up to 14 days or fined $100. If he does not pay the fine immediately he may be imprisoned for 14 days. The phrase "immediate payment" is used in the Bill.

The clause gives power for summary conviction without complaint, without a warrant, without appeal, and without the benefit of any counsel being present in the court. I believe if we allowed the clause to go through in that form we would be going too far. It would be thoroughly undesirable for us to place in the hands of a referee—who may in fact be a superannuated legal practitioner—the power to award a term of imprisonment of 14 days on summary conviction without complaint, without the benefit of counsel, and without appeal.

The Hon. R. Thompson: The last two lines of subclause (1) on page 19 will be left in if your proposed amendment is accepted. It seems your amendment comes to the word "not" and then does not follow on.

The Hon. I. G. MEDCALF: That is not so. I would propose to delete the last two lines of subclause (1), and the amendment will follow on from there. It is from there on in the Bill the trouble starts.

The Hon. R. Thompson: That is so.

The Hon. I. G. MEDCALF: I propose at the appropriate time to delete those words. This is quite an important matter. I took the trouble to look up the exact procedure in the other courts with which we are familiar. The Industrial Commission has no power to commit a person for contempt or to fine or imprison him. There is no power for a commissioner who constitutes the Industrial Commission to take any action in respect of summary conviction where he suffers a contempt or an insult in the face of the court.

However, there is power for a magistrate in the Local Court to do this. In that court the magistrate may convict a person of contempt and issue a warrant to the

police for his arrest; and in such a case the bailiff would carry out the arrest. The period of imprisonment is up to 14 days, and the amount of the fine is up to $10. However, the magistrate in the Local Court who does this is doing it in the face of the knowledge that it is an open court and not a private tribunal such as this virtually is. This is not a court of record; it is a private hearing. As the Minister said it is an unofficial type of proceeding.

Counsel may be present in the Local Court, and there are bailiffs and court officers and policemen usually in the vicinity. So it is not really difficult to exclude a person from that court or to arrange for someone to be arrested. But picture the situation in this proposed tribunal with the referee sitting around the table with the parties to the dispute, and someone is insulted or somebody refuses to answer a question, and the referee commits him to imprisonment of 14 days. What does he do about it? Does he instruct the clerk to arrest that person, or does he get the clerk to run away and telephone the police? This is quite a problem, and I believe in practice it would constitute a difficult area. It may mean that we are proposing to pass a law which would be difficult if not impossible to enforce.

Therefore, I would suggest that the referee does need some protection, and the proper thing is to require him to commit that person to the Court of Petty Sessions so that court, which is a police court, can deal with the matter in due course and have a proper case and allow the person to be defended if that is his wish. It must have a summons and a complaint for the matter to be dealt with properly in accordance with the normal practice of that court.

I believe that would be more satisfactory to the referee. It would mean he would not be in danger of spoiling the atmosphere of his tribunal; and, in addition, he would still have the power if somebody misbehaves or insults him to commit that person for contempt on another occasion. I believe this is an important matter which we should take further. At the appropriate stage I propose to discuss the matter further, and I would be most grateful to hear the Minister's views on my proposed amendment.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [11.44 p.m.]: I thank members for their comments. The matters raised by Mr Medcalf will, of course, be drawn to the attention of the Minister; and I think they ought to be given consideration at some subsequent time.

I refer back to a comment made by Mr Thompson when he said this is trial legislation; it is fairly new in Australia, and there is room for improvement right along the line. No doubt, like most new Acts, it will grow with time in the manner outlined by Mr Medcalf. I have had the major amendment dealing with clause 37 examined. There was some concern with regard to the rather sweeping powers which are to be given to the referee.

Personally I believe he should have some powers and the situation should not revert to the position in which the Industrial Commission is placed. So I am prepared to accept the amendment proposed by Mr Medcalf because I believe it leaves the referee with the degree of power it is necessary he should have and at the same time circumscribes it to the extent that it is more reasonable for the persons who may be dealt with in this way. However, these matters can be more fully examined in the Committee stage, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

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.

Clauses 1 to 6 put and passed.

Clause 7: Eligibility to hold office as referee—

The Hon. CLIVE GRIFFITHS: I move an amendment—

> Page 5, line 20—Insert after the word "seventy" the word "five".

I have moved this amendment because I understand it has been the experience in other States that very often it is difficult to obtain the services of a referee. As many magistrates retire at 70 years of age there is no reason why the Government could not appoint such people to the position of referee until they reach the age of 75 years. A man who acts as a magistrate up to the age of 70 in many instances still has many years of active life during which time he could render valuable service in the capacity of a referee.

It would not be easy to entice a barrister or solicitor to relinquish his position to accept a position as a referee. I also understand that in New South Wales and Victoria the age set is 72 years so frankly, I cannot see why the age of a referee cannot be increased to 75 years, bearing in mind that there is provision in the Bill to terminate his services at any time should he fail to perform his duties in a suitable manner. Therefore there would be no danger of anybody appointed to such a position becoming old and decrepit and not acting justly when dealing with people who are brought before him. I therefore commend the amendment to the Committee.

The Hon. G. C. MacKINNON: I am aware of the difficulties that will face those who must select a person to act as a referee. A lawyer in private practice is not required to retire at a certain age and can continue with his work up to any age according to his own desires.

I notice that in clause 5 more than one referee can be appointed and one can be the senior referee. So any problems in relation to travelling would not present themselves. I notice also that in clause 6 whilst the term of a referee is specified at seven years he can be appointed for a lesser term as the Governor so approves and the person appointed shall be eligible for reappointment from time to time at the discretion of the Governor. With these inbuilt safeguards, and appreciating the difficulties experienced in other States in finding suitable appointees, I am prepared to accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 15 put and passed.

Clause 16: Jurisdiction—

The Hon. G. C. MacKINNON: I move an amendment—

> Page 9, line 19—Delete the words "contract was made" and substitute the words "claim arose".

This is an amendment to which the Minister in another place was agreeable, on the advice of Mr Hartrey. I am not quite certain in my own mind what the difference is, but Mr Hartrey said this amendment should be made because an action is only taken on the breaking of a verbal or written agreement, and not on the contract itself.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 to 31 put and passed.

Clause 32: Presentation of cases—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 17, line 14—Delete the words "as to the type of agent".

This clause really deals with the appointment of agents and provides that an agent may be appointed to represent a person where an agent, as a matter of necessity, should be appointed and the referee gives his approval. The referee has to approve the appointment of an agent to act on behalf of a party to a small claim. Before doing so the tribunal must observe the conditions set out in subclauses (2) and (4). Therefore, if my amendment is agreed to, subclause (4) (b) would then read—

> it may subject its approval to such conditions as it considers reasonable to ensure that any other party to the proceeding is not thereby unfairly disadvantaged and, in such case, the entitlement of an agent to present that case shall be subject to compliance with those conditions.

Instead of restricting the conditions which the tribunal may impose, to the type of agent only where all it is concerned about in the Bill is whether a person is an interpreter, a company secretary, or some other type of agent, the tribunal should be able to make any conditions at all in order to ensure that the other party is not unfairly disadvantaged.

The Hon. R. THOMPSON: When I spoke to the second reading of the Bill I thought it had some shortcomings but I was prepared to give it a go because we did not have much on which to gauge it. The Minister said that if a person did not have a good knowledge of the English language, he could bring in an interpreter, or someone of that nature, and this could constitute a type of agent.

The point is well taken by Mr Medcalf because whoever the agent may be he will not necessarily be an interpreter. It could be any sort of agent. The Bill is based on New South Wales legislation, to which I did not have access. The Minister may be able to tell us whether there is a logical explanation. However, I feel the amendment will tidy up the clause so that it will not disadvantage any person. I support the amendment.

The Hon. G. C. MacKINNON: To prove I am in a conciliatory mood, I am also prepared to accept this amendment. I believe, as Mr Medcalf suggests and as Mr Thompson agrees, paragraph (b) will be more reasonable in that it will allow a more general application of conditions to the agent.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 33 to 36 put and passed.

Clause 37: Contempt in face of tribunal—

The HON. I. G. MEDCALF: I think I have sufficiently explained the purpose of my next amendment. The purpose of the amendment is that if somebody commits a contempt he may be excluded from the tribunal, and whether or not he is excluded he is guilty of an offence against the Act and will be liable, on conviction by another court, to a penalty of $100 or imprisonment for 14 days.

The effect will be that the tribunal itself will not be able to convict a person for contempt. That is the basic difference associated with the amendment. The tribunal will issue a complaint and the matter will be heard in the Court of Petty Sessions in due course.

The tribunal will have the power to order that somebody be committed for contempt of court, but the tribunal will not be in the embarrassing situation of trying to carry out a contempt case without the facilities to do so and without the

defendant having an opportunity to properly defend himself in the circumstances. I move an amendment—

Page 19, lines 26 and 27—Delete the words "may be summarily convicted by the tribunal of contempt", and substitute the words "is guilty of an offence against this Act and is liable on conviction to a penalty of one hundred dollars or imprisonment for fourteen days".

The Hon. G. C. MacKINNON: As I have indicated, I am also prepared to accept this amendment. I believe it is more in keeping with the nature of the tribunal in that proceedings will be taken out of its hands and will be less formal. While leaving power in the hands of the referee to discipline anybody who attacks members of the tribunal, it is, I believe, a desirable move. Therefore I am prepared to accept the amendment.

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

Pages 19 and 20—Delete subclauses (2), (3), and (4).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 38 to 43 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and returned to the Assembly with amendments.

MACHINERY SAFETY BILL

Second Reading

Debate resumed from the 20th November.

THE HON. D. J. WORDSWORTH (South) [12.11 a.m.]: I think all members will agree with the principle of this Bill, the purpose of which is to ensure greater safety with all types of machinery, particularly boilers and industrial machinery, and also farm equipment. We have all heard of ghastly accidents which occur, and which sometimes result in the loss of a limb and which, unfortunately, sometimes result in the loss of a life.

The Leader of the House, in his second reading speech, said the principal Act came into being in 1921 when the focal point was the steam engine.

Tht Hon. G. C. MacKinnon: Those were my remarks.

The Hon. D. J. WORDSWORTH: I apologise to Mr MacKinnon, who spoke those words. He went on to say that very few steam engines remain today and I wonder whether, if we pass this Bill as it is written, very much farm machinery will be left because of the very complex nature of some of the clauses which will make it very hard for farmers to comply with the requirments.

I think it is a wonderful idea to have regulations to cover industrial machinery, most of which is bolted to a floor and is in a fixed position. In those circumstances that type of machinery is relatively easy to guard because the machinery is set up once and for all by a mechanic, who does the job properly.

It will be agreed that farm machinery is usually taken out of a shed by a driver who is expected to keep it in order. In the case of a breakdown he does not usually call a mechanic. He is usually some distance from a telephone so he cannot call on someone to help him when repairs are necessary. Specialised knowledge is not available to him as is the normal case with industrial machinery.

I point out that there are some 20 000 farmers in Western Australia and members will realise how complex the administration of this Bill will be when machinery is spread over a vast number of holdings throughout the State.

Very few farmers employ a competent mechanic, and most of the machines are entirely portable. The Bill now before us requires the fitting of guards to machinery, and it is hoped that this provision will reduce the number of accidents. However, I believe that if one were to study the number of accidents which occur on farms, it will be found that most of them occur after a machine has actually broken down.

Often we hear that a blockage has occurred and a farmer or operator gets a little impatient; he starts the machine up again and fiddles with it while it is going. This is the way many accidents occur. In fact, only a few weeks ago at Esperance a man lost three fingers while cleaning out one of these hay stacking machines. All the legislation in the world would not have saved his fingers. He was requiring the machine at the time and probably by that stage any guard would have been removed.

One of the interesting features in the Bill—and I am referring to its application to agriculture—is that most of the provisions apply only to employees. In other words, we have two standards of safety—one for employers and one for employees. I am not quite sure whether this is very sensible, because both these groups of people are important. Also, difficulties will arise because where a machine is set up solely for an employer, there is no necessity to supply guards. It may happen then that a farmer is sick and someone else comes onto his property to help with harvesting. Suddenly all the provisions of

the Bill are applicable because we have changed from an employer to an employee situation.

The Bill provides that all machinery on farms must be fitted with guards within six months. I do not know whether members are aware of the actual numbers of farm machines in the State. I have gone to some trouble to compile a list of machines to which this provision could apply and I will read out some of these machines and the numbers in the State because I feel this information is significant. These are as follows—

Wheel tractors	32 381
Crawler tractors	3 497
Top dressers—	
Rotary	9 422
Drop	721
Rotary Hoes and tillers	1 728
Tractor mounted	2 331

The Hon. S. J. Dellar: How many shovels?

The Hon. D. J. WORDSWORTH: I will not list all these figures. The total has been calculated and is 220 000 machines. It would be a major job to attempt to fit guards to all these machines within six months. I have discussed this with the Minister, and he is willing to amend the Bill to try to extend this period of time. I will leave this to the Committee debate.

The Hon. S. J. Dellar: You have eight years in some cases.

The Hon. D. J. WORDSWORTH: This applies to tractors only at this stage. Another matter which is of concern to me is that of a farm employee. It appears that various Acts have different interpretations. We have seen recently that a farmer who employs a contractor to do his shearing is still liable under the Workers' Compensation Act for any accident that occurs. I cannot help but feel that some of the provisions in this Bill will be open to the same interpretation. I would like to read the interpretation of "rural employee" on page 7 of the Bill. It says—

> "rural employee" includes all persons employed in rural industry other than those persons who have an ownership interest in the major capital holding of a rural industry, and for the purpose of this provision a person who is granted a part share in a rural industry under the terms of his employment and who relinquishes that share upon termination of his employment shall not be taken to have an ownership interest;

My interpretation is that every contractor would come within those provisions. It would be very difficult if the owner of a property is responsible for every contractor or subcontractor who comes onto his farm. So much farm work is now undertaken by subcontractors, and in areas such as Esperance a subcontractor working on scrub clearing may be miles away from the farm house. In such a case the owner has no hope of ever being fully responsible for guards on such machinery. I know it is the intention of the Bill that a guard will be required only where a person would normally be working. This is the interpretation we were given, but I find it very hard to read this into the Bill.

This is indeed a very complex measure, and some of the definitions and the terminology are quite technical. I looked at the definition of the word "boiler" because the Bill provides that a boiler must be inspected every six months, a competent person must operate it, etc. I think I must read this interpretation so members will appreciate my point. I feel that under this interpretation an ordinary cooling radiator on a motor vehicle would be a boiler. If this is so, it will lead to many complications. The interpretation reads as follows—

> "boiler" means any vessel in which for any purpose steam or vapour is generated or is intended to be generated, or water or other liquid is heated or intended to be heated, at a pressure above that of the atmosphere, by the application of fire, the products of combustion, or electrical means; the term includes any economiser or superheater or any feed, blowdown, mountings, fittings, connections or ancillary plant or apparatus necessary for the efficient and safe working of a boiler, including distribution pipelines; but the term does not include a fully flooded system or pressurised system where the water is or is intended to be heated to a temperature less than ninety-nine degrees celsius;

As most people know, an ordinary radiator has a pressure cap, and the temperature in the radiator is lifted above 99 degrees Celsius. It may well be proved that an ordinary cooling radiator on a combustion engine does not come within this provision. However, we hope that 20 000 farmers can understand the legislation. I find it very hard to interpret, and I wonder how all the other farmers will get on. I know Mr Lewis has said that there are exclusions. Certainly there are exclusions listed on page 9, and they include things such as machines driven by treadle, wind, or animal power. I still cannot see any reason to exclude a radiator. Another clause also excludes rural machinery, and I admit that a motor vehicle is listed in this clause. However, internal combustion engines are used on many farms today but other than on vehicles.

The Hon. D. W. Cooley: Look at clause 35.

The Hon. D. J. WORDSWORTH: This type of radiator could be used in plant other than rural machinery. However, I am trying to make the point that it will be very complex legislation to administer.

One part of the measure concerns the safety of visitors. People who are not employed on a property or in an industry, but who are within the vicinity, should be protected against accidents. There is no denying that, but I wonder about the indemnity which farmers and others must have to cover themselves in many of these cases. I am somewhat concerned that it may well happen that the insurance policy would not cover an accident occurring as a result of an employee leaving a guard off a machine, and the farmer may face a very big claim for damages.

Part II covers the establishment of a machinery advisory board with the Under-Secretary for Labour and Industry, as the chairman, and a joint nominee from the Western Australian Employers Federation and the West Australian Chamber of Manufactures. I believe it would be a good idea to appoint a farmer to this board because I feel difficulty will arise in regard to the administration of the legislation with respect to farm machinery.

The Hon. S. J. Dellar: Not much good if he cannot understand the Bill.

The Hon. D. J. WORDSWORTH: That is right. Obviously I am in full agreement with many parts of the Bill.

The Hon. S. J. Dellar: Except where it affects the rural population.

The Hon. D. J. WORDSWORTH: Part IV deals with the powers and duties of inspectors. Amongst these duties is the promotion of safety, advice on safety practices, to ensure compliance with the legislation, and the investigation of accidents. Very few of us would argue with these provisions. A little bit of concern is felt because of the provision that an inspector may come onto a property at any time of the day or night. He can even request a person to start up a machine so that he can see it working. Should the owner of the property or the worker of the machine use offensive language then he is in great trouble. If too many inspectors come onto properties at night quite a few offensive words will be used.

The Hon. S. J. Dellar: Good enough for Lillee to be chatted.

The Hon. D. J. WORDSWORTH: One should also note that should a fatal accident occur with agricultural machinery, the owner of the property must notify the union of which the employee was a member.

This Bill will add another group of rather complex duties to those already undertaken by the farmer. We seem to have more and more forms to fill in and more and more duties to perform. I wonder where the small farmer will end up with the number of Government Acts and regulations with which he now must conform.

I do not intend to say any more. Obviously, this is a Committee Bill, because of its complex nature. However, I do draw the attention of the House to these points on which I feel we should have some answers before we go into Committee.

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: Short title—

The Hon. G. C. MacKINNON: I apologise to Mr Wordsworth; I failed to rise to reply to his queries. However, as he said, this is a Committee Bill and the matters can be examined now. I have an amendment on the notice paper which I hope will ease the situation regarding rural machinery. The problems relating to agricultural machinery are appreciated; a number of conferences have been held on this subject in order to clarify the position and make it more workable. It is difficult to implement these controls over the length and breadth of the State, with the variety of agricultural machinery involved. Difficulties are imposed not only by distance but also by the variety of machines available. On top of that, problems associated with the machines, such as overheating and like matters, could mean that there is a danger of fire and, of course, protective guards on the machines might make the control of a fire very difficult. It is also appreciated that additional cost burdens must be considered seriously when they affect the agricultural industries. However, I believe these matters will be better dealt with when we reach the particular clauses.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Interpretation—

The Hon. D. J. WORDSWORTH: I refer to the definition of "rural employee". Is that intended to cover contractors who own their own plant and machinery?

The Hon. G. C. MacKINNON: A distinction is made between persons who work in the rural industry being referred to as employees and those having a capital holding in the industry who may exercise some control of an employee. The legislation exempts those rural properties where an employee is not engaged. The interpretation goes on to refer to a rural industry where every major aspect of rural work and enterprise in which potentially hazardous machinery is utilised is included to ensure that all aspects of machinery

peculiar or essential to these industries can be adequately safeguarded. I would imagine the answer to Mr Wordsworth's question depends on whether or not a person has an ownership interest in a major capital holding of a rural industry. If he is thinking about harvesting, I should imagine the equipment he would hold as a contractor would constitute a major capital holding in that industry and that, therefore he would be exempt.

The Hon. D. J. WORDSWORTH: I perhaps might agree wth the Minister if a large piece of harvesting equipment worth $30 000 were involved. But what if the contractor happens to be a fencing contractor, tightening a wire with a machine worth $4 or $5?

The Hon. G. C. MacKINNON: I would imagine the farming community would have such contractors insured because my understanding of most of these Acts is that the farmer would be required to insure these contractors to protect them from any accident or damage that might arise.

The Hon. D. J. WORDSWORTH: Insurance is one aspect about which I am concerned. But who has the responsibility of ensuring that these people comply with the regulations? In other words, if these people are indeed employees, must the owner himself inspect every person who comes onto his property, as well as his machinery to make sure they comply with the regulations? I think this would be a very onerous responsibility.

The Hon. G. C. MacKINNON: He is a contractor not an employee. A contractor goes into a contract with a farmer to do a particular job and my understanding of the situation is that he has never been regarded as an employee in any industry. The definition is, "all persons employed in rural industry, other than those persons who have an ownership interest in the major capital holding of a rural industry". "Major" is a fairly loose term. I would imagine that a contractor working for himself under contract to a farmer could not be regarded as an employee of that particular farm. Apart from that, the only way to test this would be to get a legal opinion and, knowing the interest of Mr Wordsworth in this matter, I have no doubt that he would have already done so. Perhaps he could tell us what it is.

The Hon. D. J. Wordsworth: I expect the Minister to do that.

The Hon. T. KNIGHT: Could the Minister give us an assurance that any person engaged under contract on a farm will not be classified as a rural employee? In other words, where a price is given for the carrying out of a job, that man should be regarded as a contractor. As the clause stands, the farmer has the ultimate responsibility for the machinery owned by the contractor working on his farm. I think that is beyond a joke.

The Hon. G. C. MacKINNON: Perhaps Mr Knight might tell me why it is beyond a joke. Such an imposition is placed on most other employers. I would imagine there is an obligation upon the farmer to check the equipment in some way. I find it hard to believe the implication that the farmer should not be responsible for the use of dangerous equipment on his property.

The Hon. T. KNIGHT: As I said earlier, I believe it is beyond a joke because in these days the farmer has enough work and problems on his farm without having to run around looking at every Tom, Dick, and Harry that he employs to carry out contractual work in order to ensure his machinery complies with these regulations. It is some sort of a joke because a farmer should not be expected to carry out work that a contractor should do for himself. The man who is supplying the machinery and carrying out a contractual arrangement should be responsible for his own machinery in the carrying out of that job for a figure.

The Hon. A. A. LEWIS: I take issue with Mr Knight on this point. In the long run, the person who is responsible for this machinery is the owner of the property or the business; I cannot see why we should push this responsibility off onto the contractors. The responsibility sheets home to the farmer. The buck passing stops here; somebody must be responsible somewhere.

The Hon. T. KNIGHT: In short, Mr Lewis says that it is not the contractor's responsibility, because he is not employed in his own right. He is expecting the farmer to take all the responsibility. Therefore, he is taking away the right of a man to call himself a contractor.

The Hon. D. J. WORDSWORTH: Would the Minister accept an amendment which could clarify the situation? My suggestion is that we add after line 25 the words, "and does not include a contractor who, by the use of his own machinery, earns more than twice the usual hourly rate". Somehow or other, we must ensure that a contractor is not regarded as a rural employee; we can do this by specifying that a contractor is a man who earns a substantial amount above the usual hourly rate from his machinery.

The Hon. T. Knight: What about a shearing contractor?

The Hon. D. J. WORDSWORTH: A shearing contractor probably would still come under the responsibility of a farmer.

The Hon. G. C. MacKINNON: I could not agree to such an amendment. There is a very wide range of contractors. It seems to me that a farmer either employs

a person for whom he has total responsibility or that person is a contractor, for whom he has only a degree of responsibility. I do not know of any farmers who are so inexperienced that they could not cast an eye over the contractor and his equipment and know whether he is a satisfactory contractor. But I discount the idea put forward by Mr Knight that the farmer will go into a thorough check of all the machinery and equipment in a detailed sort of way.

The Hon. A. A. Lewis: It is only building contractors that one must check out like that.

The Hon. G. C. MacKINNON: Once we start inserting dividing lines of the type Mr Wordsworth asked for, we run into anomalies and we only create a new set of problems.

It seems to me that the provision in the clause is adequate. The proposed amendment is that in respect of new rural machinery sold on or after the coming into operation of this part of the legislation the period be six months, and for any other rural machinery the period be eight years. That is a long period in respect of safety measures which have to be incorporated on machinery by a contractor.

The Hon. D. J. WORDSWORTH: At times I employ a person to mow a paddock. I might inspect the machinery and find it is provided with the necessary guard. I might then return to my house, and the contractor might remove the guard. Would I be responsible if an accident occurred?

The Hon. G. C. MacKINNON: The contractor will be responsible, because it is an offence to remove guards from machinery.

Clause put and passed.

Clauses 7 to 21 put and passed.

Clause 22: Inspection of machinery—

The Hon. H. W. GAYFER: Can the Minister give some indication of the number of inspectors who will be employed to carry out duties in the large field of inspection in which they will be involved? Under the existing Act inspections may be made, but they are not necessarily made.

Under the provisions of the Bill certain things have to be done in a required period. In order that these things are done on the 220 000 pieces of machinery that have been mentioned, an army of inspectors will be required.

The Hon. G. C. MacKINNON: I cannot give an indication of the number of inspectors who will be appointed, but certainly we will not have an army of inspectors. There is concern amongst many sections of the community that machinery should be safe, and that certain regulations should be applied.

My own experience in this regard relates to factories. At one stage it was common for the workers in factories to take risks. Often when a worker was about to use a grinder or some other piece of machinery he found the safety device removed. The same applied to band saws and shapers. In the shaping of ribs the machine sometimes shapes half way along a piece of wood before running into the grain, and this could be a dangerous operation. Very often the guard was removed.

In recent years all that has changed, and today in industry it is very unusual to find guards removed from pieces of machinery. I believe the same applies in the case of farming machinery. There is now a general awareness of the dangers. The introduction of regulations will have the desired effect.

I am advised that scarcely a year passes without a number of serious accidents occurring, even involving the loss of limbs. Some degree of inspection will be necessary. In the notes supplied to me it is pointed out that inspectors will have greater flexibility in their duties, and the legislation should minimise the duplication of inspections. One hopes that this will be the case.

I do not anticipate there will be an army of inspectors. I believe that the great majority of farmers, particularly those of the calibre of Mr Gayfer, will abide by the regulations in the interests of safety and the preservation of life and limb.

The Hon. H. W. Gayfer: Under what standard?

The Hon. G. C. MacKINNON: The standards as laid down in the Bill.

Clause put and passed.

Clauses 23 to 34 put and passed.

Clause 35: Application of this Part—

The Hon. D. W. COOLEY: The issue of certificates of competency was mentioned in my second reading speech. There is some concern regarding the issue of these certificates. I understand that under the existing Act such certificates are issued by a board comprising the Chief Inspector of Machinery, the representative of the employees, and the representative of the employers. It seems that under the Bill the Chief Inspector of Machinery will be given the sole power in the issue of certificates of competency.

Will the Minister explain why the existing board is to be abolished; and will safeguards be written into the regulations to ensure that certificates of competency are issued in a proper manner? I notice a provision in the Bill which permits the Chief Inspector of Machinery to delegate his powers. I have raised the question of the issue of certificates by mine managers in remote areas. I did say that this is a good Bill, but the point I have raised does cause concern in certain quarters.

The Hon. G. C. MacKINNON: The issue of certificates relating to a great number of machines used in the mines is not subject to the legislation before us. There are other methods to govern the issuing of certificates of competency. Under the Mines Regulation Act it was found necessary to allow some degree of flexibility, because the machines were used over a very wide area of the State. For that reason it has been necessary to change the pattern to enable certificates of competency to be issued by one person. It is highly desirable that the same person should be permitted to issue certificates, and a blanket exemption should not be provided outside a prescribed area. This principle has been accepted under the Mines Regulation Act and it is considered desirable to incorporate it in the Bill before us.

Clause put and passed.

Clauses 36 to 38 put and passed.

Clause 39: Categories of certificates—

The Hon. D. W. COOLEY: The issue of winder engine drivers' certificates was mentioned in the second reading speech of the Minister. It has been pointed out to the Minister that it is desirable for an experienced winder driver to be in attendance when an examination takes place. It is essential that people with experience in winder driving and in underground working be given some say in the issue of these certificates. Will the Minister indicate what part of the legislation provides for regulations to be made to require an experienced winder driver to be in attendance at examinations? It has not been stated that the experienced winder driver in attendance will have a say in the issue of the certificates. That is to be the sole prerogative of the Chief Inspector of Machinery.

The Hon. G. C. MacKINNON: This provision will be made under the regulation-making powers. These powers will be utilised to ensure the provision applies in all cases except where the inspector himself is a qualified winder driver.

Clause put and passed.

Clauses 40 to 53 put and passed.

Clause 54: Board of Reference and arbitrators—

The Hon. D. W. COOLEY: This clause provides for a quorum of two on a board of reference comprising three persons. This is unusual. For some reason the chairman might be absent and the two nominated persons on the board would be left to make the decision and they could possibly override the chairman's wishes. I wonder whether the Minister would give consideration to providing that all members of the board must be present to form a quorum.

It may be argued that it might not be possible for all members of the board to get to an inquiry in a remote place. This argument cannot be sustained because the Trades and Labor Council or the Employers Federation could delegate someone to take the board member's place. My experience has been that very rarely would two members constitute a quorum.

The Hon. G. C. MacKINNON: This clause states that the Minister may refer the appeal first mentioned to an arbitrator technically qualified in relation to the matter or to a board of reference. The appeal concerning a certificate of competency is to be referred to a board of appeal. It ensures representation of both employee and employer in any matter subject to appeal under the chairmanship of a ministerial appointee. Appeals relating to certificates of competency must be referred to a board of appeal. This will ensure not only that justice will be done, but will also be seen to be done.

Alternatively, an arbitrator may be appointed. The basis of this appointment will be his technical knowledge and qualifications in relation to the appeal subject.

A new board of reference is appointed in each case under the Act and consequently as Mr Cooley so rightly supposed it would be highly unlikely that all three would not be able to attend. However an occasion could arise when one of the members might not make the appointment. In those circumstances it would be a pity if the whole thing were aborted at that stage. Let us imagine that the two present are the two nominated members. They could study the case and come to an agreement. In these circumstances it would be a pity for a decision not to be made. If they disagreed, further action would have to be taken.

Taking into consideration the complexities of the problems with which we are dealing, and the distances involved in the State, it is as well to include this emergency provision. Along with Mr Cooley I could not envisage the provision being used frequently because a new board is appointed for each particular case. In these circumstances I can imagine that the Minister would obtain confirmation of the appointee's ability to keep the appointment first. However, it would be a pity not to have this provision to be used in the case of an emergency.

The Hon. D. W. COOLEY: One final word: If the represenative of the Employers Federation or the TLC were not present, his viewpoint would not be expressed and I think that in those circumstances a bad decision could result.

Clause put and passed.

Clauses 55 to 63 put and passed.

Clause 64: Wilful interference—

The Hon. D. J. WORDSWORTH: I cannot let this clause pass without drawing the attention of the Committee to its wording.

The clause sounds very reasonable until one considers its application to machinery on a farm, where one has a multitude of belts. While I am in full agreement with the sentiment I can see this provision will add terrific costs to the rural industry. It will be almost impossible to adhere to it and will make agriculture so impossible that many farmers will have to throw in the sponge.

The Hon. R. Thompson: What about sabotage of machinery?

The Hon. G. C. MacKINNON: There is no doubt why this clause has been included. It refers to a person who wilfully and without proper cause or lawful authority interferes with machinery. This is a very serious offence and the clause almost supposes that the offence is committed with intent to do a mischief to somebody. It is applicable to argricultural machinery because it is not exempted under clause 75.

I appreciate the problems Mr Wordsworth has outlined. Nevertheless, the very matters he mentioned are inherent in the problem; that is, machines are working faster and are more complex, and protective devices must be placed upon them. I suppose the solution is careful maintenance. From what I have heard from people who have an interest in the sale of agricultural machinery, it is much more reliable these days. I suggest as a result of the discussion that has ensued tonight, there would not be a great deal of difficulty in securing agreement to the amendment I propose.

The Hon. D. J. Wordsworth: Am I correct in believing there is no provision for a smaller penalty?

The Hon. G. C. MacKINNON: I assure the honourable member that is a maximum penalty. If a matter came to the courts and an exasperated farmer explained he had some difficulties and had been working around the clock, the penalty would probably be $1. I think the high maximum penalty is necessary.

The Hon. A. A. Lewis: It would not be wilful interference.

The Hon. G. C. MacKINNON: No, but it could be a matter of not having proper authority. I suppose the maximum penalty would be reserved for a very careless or vicious action.

Clause put and passed.

Clauses 65 to 74 put and passed.

Clause 75. Application of this Act to rural industry—

The Hon. H. W. GAYFER: This is the clause which applies to rural machinery and which I think causes much of the controversy as far as this Bill is concerned. The first part of the clause exempts rural machinery from the provisions relating to registration and certification and certificates of competency, and certain provisions relating to accidents. I am delighted with that. It is interesting to note that when a similar Bill was introduced in another place last year it came to a sticky end largely because of some of the proposals which are incorporated in this clause.

It was anticipated that in that time all rural machinery would come under registration and that certificates of competency would be required by operators. In other words, the employer or his son will be required to pass examinations to drive a header or a mower, and all accidents must be reported. It is pleasing to me to see that not only has rural machinery been incorporated in a completely new part—which I might add was advocated by Mr Lewis at about this time last year—but also the parts which caused a considerable problem to the Committee when this Bill was discussed in another place have been deleted. However, we see that certain actions must still be taken, and I refer members to subclause (3) of clause 75.

Under the Inspection of Machinery Act, powers were given to inspectors to look into farm machinery. I feel the Bill we are discussing will place a great burden on farmers and particularly on those whose machinery is fairly old. Many of these machines would be virtually impossible to guard in a manner which could be said to be suitable. For example, any member familiar with an AL power-driven harvester will agree that it would be difficult to guard such a machine in an easy fashion; that is, if we are allowed to guard machines in an easy fashion. I do not know whether a guard must be a specified guard or something of that nature. At the moment we will have six months only to guard our rural machinery which is not new. I see the Minister proposes to alter this period to eight years, and I presume this is to follow the New South Wales legislation. Even in this period it will be quite impractical to guard many of the machines.

I have no objection whatever to a provision to phase in guards on new machines. I do not disagree with the provision that power take-offs on tractors must be guarded. In fact, way back in 1939 when these tractors were first used, guards were fitted to them.

Subclause (5) refers to the fitting of a protective cab or frame upon a wheeled tractor. Paragraph (a) then excludes a tractor weighing less than 560 kg or more than 3 855 kg.

Dealers will have 12 months in which to fit roll bars to new tractors. I presume this provision will be met in much the same way as it is in the Eastern States. A farmer purchases a tractor with a roll bar on but he takes the roll bar off once the tractor is on his property. He then takes the roll bar back to town and the dealer fits it onto the next tractor and the

same practice continues. Mr Lewis is shaking his head, but I have read the speeches in the Victorian *Hansard*. We checked this matter last year, and to my knowledge the legislation has not been altered. The clause provides that roll bars must be fitted to any other tractor within 10 years.

I asked the department about roll bars and I found out that this is not just a roll bar welded into position by anyone. In fact, one is not supposed to use a welder unless it is guarded in the first place. According to my interpretation of the measure, a farmer cannot fit his own guards. Imagine the research that will be necessary to fit guards on certain types of old tractors. Subclause (5) lists the exclusions which do not need roll bars. However, if we consider just the International range of tractors we see that they range from 42 to 77 horsepower. This is the range usually used in agricultural cereal areas, but not very often in Great Southern holdings or on the hillier slopes. These are used in the broad cereal land farming. The 99 horsepower tractor is commonly used in agricultural areas and there is no provision under the measure to fit a roll bar to such tractors. In my opinion this is the very class of tractor which needs a roll bar.

I cannot imagine a huge tractor winding over, so it is quite sensible to cut off there. Nevertheless, the provision does not apply to all tractors. I can see quite a few anomalies in this clause. It is ridiculous for people to get uptight merely because one criticises a clause of the Bill, bearing in mind that whenever similar legislation has been presented to any Parliament it has not received a quiet passage.

Upon perusing last year's *Hansard* I find a few members in another place had a lot to say on the question of roll bars when a similar Bill was debated last year. The then member for Roe (Mr W. G. Young) asked the following question on the 14th November, 1973—

> (1) How many fatal accidents have been reported in which a wheeled tractor was involved either by—
>
> (a) rolling over; or
>
> (b) any other cause,
>
> in each of the last five years?
>
> (2) In which shires did the above accidents, if any, occur?
>
> (3) How many fatal accidents were reported in which farm machinery was involved?
>
> (4) What type of machinery was involved in (3) in each of the last five years?

The Minister replied that wheeled tractors are not subject to registration under the Inspection of Machinery Act, and hence reports of fatal accidents are not received. He then said—

> In the Commonwealth Bureau of Census and Statistics' publication "Industrial Accidents (Series A)" under the heading of accident factor —vehicles—tractors, the following fatal accidents have been recorded. These figures would not include self-employed persons—
>
> 1968-69—1
>
> 1969-70—3
>
> 1970-71—2
>
> 1971-72—Nil
>
> 1972-73—N/A

He went on to say that three fatal accidents in respect of farm machinery had been reported in the past five years. They involved a harvester, a mobile circular saw, and a grinding wheel, and they all occurred in 1971. I will admit not much recording has been done in regard to this, but nevertheless the figures are factual. When the Legislative Assembly discussed the provision of roll bars, the members there had a lot to say about it. On page 5044 of *Hansard* for 1973, Mr I. W. Manning said—

> Perhaps the Minister for Agriculture could indicate what protection a roll bar would have given in those circumstances. In my opinion it would only have increased the hazard.

He said that in reply to an interjection by Mr H. D. Evans that two fatalities had occurred in the south-west as a result of tractors coming back onto the driver. By and large such fatalities would not be prevented by this new provision. Then Mr Blaikie said—

> The reaction of the Minister has drawn me to my feet. I thought that by now he would have conceded that members on this side have proved conclusively that the provision of roll bars for agricultural purposes is ludicrous. I do admit that their provision would be worth while if any lives would be saved; but that possibility is remote.

Sir David Brand said—

> A roll bar would be of no use if the tractor came back over the top of the driver.

Mr Grayden said—

> Several members on this side of the Chamber have said that we in Western Australia are in a different position from people in Gippsland, Victoria; that our people, except possibly some in parts of the south-west, are in a different position from many farmers in parts of Queensland and New South Wales in that our country is relatively flat. I have a property at Morawa, four miles long, which is as flat as a billiard table. One could walk for miles and not find a rise of five feet. How ridiculous would it be to insist that a person on that farm has to fit a

roll bar to a tractor at a cost of $600 to $1,000 when there is not a ditch or a hill anywhere on the farm where he could possibly have an accident.

Then Mr Rushton, who was a full bottle on tractors, said—

It could be that the Minister has in mind the fire-fighting tractors which are used in the country I represent, and that he believes roll bars should be fitted to them. However, I know that such vehicles are already fitted with roll bars.

Mr Grayden: What about bicycles and motorcycles?

Mr O'Neil: And roller skates.

Mr Grayden then had another go. He said—

I cannot believe it possible that we are thinking in terms of imposing restrictions of this kind on the farmers of Western Australia. When they become aware of what this Government is doing, of course there will be a great outcry and, subsequently, irrespective of what we do tonight, the legislation will be amended, because it is so absurd. Despite its absurdity, the Minister is apparently insisting on the provision. I sincerely hope in the circumstances that the Committee will agree to the amendment moved by the member for Roe.

That amendment was similar to the amendment I propose to move to this clause; that is, to delete from the schedule contained in the clause the passage "(b) any other tractor . . . Ten years".

The Hon. A. A. LEWIS: I was waiting for Mr Gayfer to quote the ex-member for Blackwood on roll-over bars. Apparently he could not find where I opposed the provision.

We have been given an assurance today that there will not be any more inspectors. I believe the testing at Werribee—and it looks like there will be a testing facility also in Western Australia—will be in respect of prototype roll-over bars and cabs; and as long as the construction of other roll-over bars and cabs is of similar design they will be accepted by the department. It appears to me the number of old driven harvesters left in this State would be fairly small. I think probably parts are becoming hard to get.

Mr Gayfer referred to the Victorian Act. New South Wales, Tasmania, Queensland, and South Australia are adopting the same type of legislation. Victoria made a blue by allowing roll-over bars to be changed from shire to shire. Mr Gayfer described the changing of roll-over bars to a new tractor from an old tractor that was traded in, and this did occur. I believe that is the reason 10 years is allowed in the schedule in this clause.

The Hon. S. J. Dellar: That is pretty reasonable.

The Hon. A. A. LEWIS: I think it is extremely reasonable. I feel the amendment foreshadowed by the Minister to make it eight years in respect of machinery is fairly reasonable.

The Hon. S. J. Dellar: I think it is very generous.

The Hon. A. A. LEWIS: By that stage, a great number of machines working on farms will be out of the way. What the objectors to this schedule fail to realise is that the Minister can grant further exemptions if he so desires.

The Hon. S. J. Dellar: It is in the Bill.

The Hon. A. A. LEWIS: If a 1928 or 1932 tractor is still chuffing along it may be given an exemption. The provisions of this clause cover everything that any reasonable person would want. I realise the cost of roll bars will be fairly high—something of the order of $400 to $600.

I am afraid Mr Gayfer has intentionally misled the Committee when referring to the power ratings of tractors in the south-west. I think I would have a fairly good idea of the power ratios and weights of tractors in the south-west and I would think that between 90 and 95 per cent of the tractors in the south-west would come under the provisions of this clause.

So, we should get away from the idea that the hilly country in the south-west will be exempted from this provision. Members who have had anything to do with people rolled on by tractors will know that it is not a pleasant experience. I believe roll bars are a necessity, and the sooner they are fitted the better. Once this provision comes into force, people will voluntarily put roll bars on their tractors. I have jumped ahead a little, Mr Deputy Chairman, but I merely indicate that I intend to oppose Mr Gayfer's foreshadowed amendment.

The Hon. G. C. MacKINNON: I move an amendment—

Page 58—In the schedule following line 26 delete the first line of the schedule and insert in lieu—

The provision of general guarding of rural machinery

(a) new rural machinery sold on or after the coming into operation of this Part of this Act .... six months.

(b) any other rural machinery .... eight years.

Amendment put and passed.

The Hon. H. W. GAYFER: I move an amendment—

Page 58—Delete the last line of the Schedule to subclause (4).

This will apply to certain tractors; at present, in Australia we have something like 300 000 tractors operating on agricultural holdings. It seems very strange to

me that only a certain percentage of these tractors is considered to require guards. Good reasons exist for not installing guards on smaller tractors, despite the fact that they are the tractors that are prone to tip over. It is possible that engineers will be able to incorporate a safety device into these smaller tractors as they come on the market; I have no objection to that.

But I do object to insisting that tractors that may be two years old, which possess expensive cabins produced by well-known manufacturers should also require roll bars. I believe the cabins afford some protection, although they do not conform to the standards laid down by the ASA. I do not know whether or not we will eventually implement the Swedish system of testing tractor cabins by dropping a heavy weight on them every six months to see whether they will stand the strain.

I am quite fearful of this line; I believe it is quite impractical to insist that roll bars be placed on such tractors, particularly having regard for the fact that some of these machines are virtually out of production and there is no way of obtaining a prototype roll bar to suit them. I believe the same situation should apply as obtained when vehicle manufacturers were required to install seat belts. The owners of vehicles produced from, I think, 1970 were required to have front and rear seat belts installed, but it was not compulsory for vehicles produced before that date. The same situation should apply here; gradually these tractors will be phased out.

I also point out that while reading through *Hansard* I came across a statement by Mr Lewis that it would cost up to $2 300 for these modifications; yet a few minutes ago he estimated that the cost would be $400 to $600.

The Hon. A. A. Lewis: One cost referred to a cabin and one referred to a roll bar.

The Hon. H. W. GAYFER: Yes, a cabin incorporating a roll bar.

The Hon. A. A. Lewis: A totally different thing.

The Hon. H. W. GAYFER: But it is still a cost to the farmer when we consider present-day practice. I think it is fairly impractical to insist that roll bars be put on tractors presently in operation.

The Hon. G. C. MacKINNON: I hope Mr Gayfer understands that the 10-year term will apply from the date of the coming into operation of this part of the Act. He made some reference to a tractor that was two years old but did not pursue the point.

The Hon. H. W. Gayfer: A tractor that is two years old is quite a modern tractor which has modern tractor facilities.

The Hon. G. C. MacKINNON: But it would be 12 years old by the time this provision came into force. Also, the Minister has the power to grant exemptions in certain situations if the sort of difficulties arise which the honourable member specifies. I believe 10 years is a reasonable time and I oppose the amendment.

The Hon. H. W. GAYFER: I have read out supporting evidence from a large number of authorities who are prominent men in this country and all of them agree with me it is quite ludicrous that this provision should be included in the Bill. I am quite agreeable that new tractors should have roll bars fitted as they come into production. I agree to what we totally disagreed with last year and, in fact, the Bill did not proceed because of that disagreement.

The Hon. S. J. Dellar: A different Government introduced it.

The Hon. H. W. GAYFER: Yes, that is so. It will certainly not be considered by many people to be wise that we are introducing legislation to provide for all tractors within the next 10 years to be fitted with roll bars. I do not believe a sufficient number of accidents has occurred to warrant the installation of roll bars on old tractors. I am now speaking of the general broad land farming tractors.

The Hon. G. C. MacKINNON: I agree with what Mr Gayfer has said and I imagine in those circumstances an exemption would be granted to the owners of old tractors. I still believe, however, it is possible for someone to endeavour to flout the law and, to some extent, keep an old tractor under conditions of risk that are not acceptable. Therefore in some circumstances it should be possible to have a provision to insist that roll bars be fitted to a tractor. I believe there are sufficient safeguards to ensure that a common-sense application of this provision will be made and, on viewing the position over the whole of the State, the Minister should have the capacity, through the chief inspector, to insist that certain tractors within 10 years of the proclamation of this legislation should be fitted with roll bars. He can, in circumstances where extreme safety precautions are taken, such as those mentioned by Mr Gayfer, grant exemption in the last few years of the life of a particular tractor.

The Hon. H. W. GAYFER: Perhaps the Minister will explain to me why, in the course of 12 months, we have completely changed our views in regard to the fitting of roll bars to tractors. I still cannot see that the fitting of roll bars to a tractor is necessary on old tractors. I feel I have gone a long way in agreeing to new tractors being fitted with roll bars but I cannot agree that it is necessary that old tractors be fitted with roll bars according to ASA and other standards that would be laid down. It will not be just a case of

fitting a hoop of steel to a tractor. Roll bars that have to be fitted will have to meet with the standards set by the ASA.

The Hon. G. C. MacKINNON: Many reasons can be advanced for the change in attitude. I have seen markedly different approaches in recent years to a great number of provisions relating to safety with the use of vehicles. For example, the fitting of seat belts to a motorcar is regarded as the normal procedure today. In fact we have reached the stage where we feel uncomfortable unless our safety belts are adjusted.

The Hon. H. W. Gayfer: It is not compulsory to fit safety belts to old motor vehicles.

The Hon. G. C. MacKINNON: No, that is so; they are allowed to wear out. There is no guarantee that these roll bars will have to be fitted to tractors. An exemption is provided and I am quite sure, in view of the fact that the case put up by Mr Gayfer is so convincing, that the tractors he has mentioned will be exempted. However in other areas it may be desirable that older tractors should be fitted with roll bars. I have seen many tractors in the south-west that have been fitted with other safety devices to protect the driver from falling limbs of trees, purely as a matter of common sense. What we are now seeking by this provision is merely to protect all kinds of people, sometimes, perhaps, from their own stupidity and as a result of circumstances beyond their control. Therefore I believe we should allow the provision in the Bill to remain as printed.

Amendment put and a division taken with the following result—

Ayes—6

Hon. C. R. Abbey	Hon. T. Knight
Hon. H. W. Gayfer	Hon. D. J. Wordsworth
Hon. J. Heitman	Hon. W. R. Withers *(Teller)*

Noes—18

Hon. G. W. Berry	Hon. M. McAleer
Hon. R. F. Claughton	Hon. N. McNeill
Hon. D. W. Cooley	Hon. I. G. Medcalf
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. R. Thompson
Hon. R. T. Leeson	Hon. J. C. Tozer
Hon. A. A. Lewis	Hon. Grace Vaughan
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. V. J. Ferry *(Teller)*

Pair

Aye	No
Hon. D. K. Dans	Hon. N. E. Baxter

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 76 to 88 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and returned to the Assembly with an amendment.

WUNDOWIE CHARCOAL IRON INDUSTRY SALE AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.04 a.m.]: I move—

That the Bill be now read a second time.

The Bill before us has been framed to perform two functions: firstly, to ratify the agreement for the sale of the Wundowie charcoal iron industry set out in the schedule, and, secondly, to make appropriate amendments to the Wood Distillation and Charcoal Iron and Steel Industry Act, 1943, arising from the terms of that sale.

The agreement is made between the State, Agnew Clough Limited and Mt. Dempster Mining Pty. Ltd.

Agnew Clough is a substantial and highly regarded Western Australia company, and Mt. Dempster is its wholly-owned subsidiary. Mt. Dempster currently holds the mineral claims, the subject of the agreement.

The agreement is much more than just a contract of sale. It is a document which can lead to the achievement of several major objectives; namely, the continuance of the charcoal iron industry under the management of a Western Australian company on terms which are quite attractive to the State, including an obligation to develop and expand that industry, the development of a new $12 million mining and processing venture to produce vanadium pentoxide, and the eventual production at Wundowie of a range of vanadium alloys and special steels.

These objectives are of extreme importance to Western Australia. The development of a new mining project at Coates Siding, with significant production of minerals and metals at Wundowie, will be of considerable economic benefit to the State.

However, the greatest benefits will be apparent in the town of Wundowie, where there is a community of some 1 400 people, including many families who have grown to three generations. I believe that the development proposals embodied in this agreement will give the people of Wundowie an increased degree of economic security for the future—a considerably

more secure future than would be the case if they continued to rely solely on the Charcoal Iron and Steel Industry and its associated operations.

The objectives and benefits are the basis of the Government's decision to sell the charcoal iron industry, which I shall refer to as "the industry". When the matter is considered in the light of the drain that the industry has been on the State's financial resources over the years, it can be seen that the decision is a sound one.

The sale of the industry to Agnew Clough stemmed originally from that company's studies of its Coates Siding vanadium mining project. To improve the economc stability of the project as a separate entity, the company looked around for alternatives and concluded that buying the charcoal iron industry would be a practical solution to the problem.

The rationale behind this move is simple, and is common practice in industry. By combining two operations and sharing administrative costs, infrastructure, transport facilities, and the like, the combined operation achieves economic viability which could not be attained by either of the industries separately.

It is pertinent here for me to mention something of the history of the industry and its current operations and financial position.

The industry was established as a Government enterprise on a pilot scale in 1945 to meet a need for locally-produced pig iron and, simultaneously, to provide an economic use for timber which was unsuitable for milling. Although the industry has expanded from the pilot stage it is, even today, not quite large enough to be able to achieve economic stability in the long term.

The industry has three main areas of operation which are closely integrated. The first is the production of charcoal iron. It is sought on international markets and also provides a ready source of high-grade pig iron for use in Western Australian foundries. The industry does some foundry work itself. The second is the production of chemicals as a by-product of the manufacture of charcoal. The industry manufactures acetic acids, methanol, some tars, and other organic chemicals. The third is the sawmilling venture which was established to make economic use of millable timber which was cut at the same time as nonmillable quality for the manufacture of charcoal.

It is no secret that the industry has continued to operate unprofitably, and is also costing the State money in rail freight subsidies. At this stage, the company is taking over a State undertaking which has an established history of losses. The industry's total loss, based on the revised 1972 accounts, amounts to $5 799 968. This is a combination of a capital loss brought about through the writing down of assets, a revenue loss which includes sums previously written off by the State, a contribution from the Consolidated Revenue Fund, and a minor Commonwealth grant made for experimental purposes.

The sale of the industry will relieve the State of an undertaking which has been a continual liability, and will also remove the need to provide further capital to finance expansion to improve the economics of the industry. Further losses in the future would be inevitable if the industry were continued on its present scale.

While on the subject of finance, it is opportune to deal with the direct financial consideration of the sale as set out in clause 5 (3) of the agreement.

Under that clause, the company has agreed to pay the State $390 000 within six years after the sale date. I shall give an explanation of the sale date later on, but at this point I mention that it is the date on which the company will take over the industry as a going concern.

As a further part of the consideration, on takeover, the company will become responsible for the repayment of loans to the industry totalling $700 000, in regard to which the State will remain guarantor. The loans are set out in the seventh schedule to the agreement.

The takeover also involves acceptance by the company of all assets and liabilities with the exception of capital totalling $1 227 862 provided from the General Loan Fund. This amount is to be dealt with at an appropriate time in the future, in a manner yet to be determined by the State.

Before I expand on the remaining details of the agreement, I would like to emphasise that the welfare of existing employees and the economic future of Wundowie and the families living there have been of prime importance in the negotiations which have led to the sale of the industry. As part of the consideration under clause 5 (3), Agnew Clough accepts all liability as at the sale date for the payment of employee entitlements including annual leave, long service leave, sick pay, superannuation or pension benefits, and salaries and wages.

In addition to accepting these obligations, the company has undertaken, under clause 9, to accept re-engagement of all present employees of the industry on identical wages and salaries and on terms and conditions which, quite obviously, must, and will be, no less favourable than those available under appropriate awards in private industry. Negotiations with the unions have already reached an advanced stage. It is quite likely that the employees will be retained on conditions very little different from those they have always enjoyed.

I have mentioned that the date on which the company is to take over the industry is known as the "sale date". This date is established under clause 4 (1) of the agreement, under which it is the last of four alternative dates; namely, the date of approval of proposals for a vanadium industry, the date of approval of evidence as to project finance, etc., and the date on which the Bill before the House is passed as an Act; or the 1st January, 1975.

The sense of purpose of the company is demonstrated by the fact that it has already lodged with the Minister for Industrial Development its vanadium industry proposals under clause 3 (1) (a). In full anticipation of this Bill being passed as an Act in time for the Minister to approve them before the 1st January, 1975, that date will become the last date under clause 4 (1) and thus will become the sale date.

In approving the proposals before the Minister, the company becomes committed to the minimum scale of production required under clause 8 (2); namely, the initial establishment of sufficient equipment and capacity to achieve an output of not less than one million kilograms of vanadium pentoxide per year. The company must achieve this rate of production within 2½ years of the agreement coming into operation, or it is in default.

However, I am advised that it is the company's intention, depending on the outcome of negotiations with prospective joint venturers, to establish a plant with a capacity of up to five million kilograms per year of vanadium pentoxide, and within the same time scale required under the agreement. The company has undertaken to provide further details—commensurate with the requirements of the proposals clause—when it has reached agreement with its joint venturers.

The participants joining in the venture with Agnew Clough will be a wholly owned subsidiary of British Oxygen Company Limited, a nominee of the Mitsui group of Japan, and possibly a third overseas party yet to be named. The foreign participants will together hold not more than 48 per cent of the venture, which will continue to be managed by Agnew Clough. Commonwealth approval has already been given to the foreign interest in the venture.

I should make it clear that the joint venture relates only to the vanadium development project, and not to the charcoal iron industry and its offshoots.

Clause 8 (3) of the agreement provides for the company to report annually to the Minister on its progress with a feasibility study for a second stage of development, with final proposals to be submitted within five years of the agreement coming into operation.

The second stage of development could involve production of ferrovanadium products including special steels and alloys.

Because the mineral deposits the company proposes to work at Coates Siding are titaniferrous magnetite, the output from the Wundowie plant will include vanadium, titanium, and iron products.

The integration of the two industries will also heighten prospects of titanium and vanadium alloys and of other special steels.

The State's obligations in respect of continued assistance to the industry are generally less than those obligations which the State currently has in respect of the industry as a State-owned venture. They are detailed in clauses 10, 11, and 15 of the agreement.

Obligations which the State has to the existing industry, and which will be continued without change, include the granting of firewood licenses for charcoal production, the supply of water, continuing the rail access from Koolyanobbing, and the provision of housing at Wundowie as funds permit.

Obligations which the State has to the existing industry, which will be curtailed under the agreement include the granting of a sawmill permit for an assured term of three years only, and the continuation of the existing rail freight subsidy on the transport of iron ore from Koolyanobbing to Wundowie until the company rationalises its transport system, but in any event for not longer than six years after the agreement comes into operation.

As events have subsequently transpired, even this obligation will be short lived as the company has reached agreement in principle with Australian Iron and Steel for a rationalised transport arrangement, linking it with AIS ore trains to Kwinana and backloading to Wundowie on company pig iron trucks. The subsidy should be required for no longer than the period necessary to implement the rationalisation scheme, some nine months.

Other State obligations include the provision of additional services generally within the normal policies of the State departments and instrumentalities affected. These include the provision of additional electricity supplies, the provision of natural gas if and as it becomes available, and the issue of road transport licenses.

Timber rights to enable charcoal production form a very significant part of the agreement. As I have mentioned, provision has been made in the agreement for Agnew Clough to continue to have access to milling timber in State forest areas for a period of three years from the date of sale of the Charcoal Iron and Steel Industry. The industry has relied on profitable operation of its mill in recent times and the company has been given assured continuity of these operations for a limited time while it consolidates its position in the production of charcoal iron.

More important to the company are its continuing rights to timber for the production of charcoal, which is considered to

be a most desirable reductant for the production of pig iron. As a means of stretching available resources of charcoal timber the company has agreed to examine the possibility of using a percentage of char from Collie coal, which would allow the industry to achieve an indefinite life while minimising the impact on the State's forestry reserves.

The company is also investigating independent forestry operations on land which has previously been cut over progressively to regenerate the forest to provide a long-term, continuing timber resource for the industry.

Strict hygiene measures, controlled by the Conservator of Forests under the terms of the company's forest licenses, will apply to the project to prevent the further spread of dieback during the time the industry continues to mill.

Because of the continuing spread of dieback in State forests near Perth, and the increasing salinity of water running off cut-over forest catchment areas, it is essential that further timber cutting be carefully managed and controlled. In view of the small proportion of the catchment which is State controlled, its effective management is of paramount importance.

The company is conscious of the need to conserve and protect State forest reserves and fully supports appropriate measures to be taken by the conservator.

I shall now deal with those clauses in the agreement which I have not yet explained, or which I feel require some further explanation or clarification.

It will be noted that clause 3 requires the company or its wholly-owned subsidiary, Mt. Dempster, to submit the detailed proposals of the vanadium venture mentioned earlier. The agreement is worded in this way to open the option to Agnew Clough to retain its vanadium interests in the name of Mt. Dempster, the present holder of the mineral claims, and to simplify the undertaking by Mt. Dempster to enter into the covenants set out in clause 4 (3).

Clause 5 and the schedule contain descriptions of the assets being sold and the consideration being paid for them. This clause also includes provisions to permit a nominated company as defined under clause 1 to act as a purchaser on behalf of Agnew Clough but the nominated company will not be Mt. Dempster Mining.

In clause 6 the State warrants the accounts and standing of the industry at the time of sale, and clause 7 details the actions to be taken by the State in transferring assets to the company after the sale date.

There are various primary obligations under clause 8 which I have already covered. To summarise them, the company is to continue the production of pig iron at Wundowie and is to use its best endeavours to develop and expand the Wundowie industry. It is required to construct its vanadium plant and operate it, and is bound to continue with its feasibility studies for the further development of its vanadium venture. It must report progress annually to the Minister and within five years submit proposals in respect of this expansion.

One of the most important clauses in the agreement is clause 9, under the provisions of which the company undertakes to accept into its employment the present work force of Wundowie and, thereafter, to use its best endeavours to maintain, as a minimum, a similar number of employees in the combined Wundowie facility.

Clause 14 is significant in that it allows the State to limit its obligations in regard to assisting the combined pig iron and vanadium industry, should the company fail either further to develop this vanadium venture, or continue in the production of pig iron.

Clause 16 enables the board to continue business between the date of the agreement and the sale date, at the same time protecting the interests of the company, and clause 17 describes details to be supplied to the company on the sale date in respect of existing operations.

Clause 18 is an important clause in which the State takes first and second mortgages and charges over the industry to secure the company's financial liabilities in respect of its debt to the State of $390 000 and the loans guaranteed by the State.

Clause 19 requires the company to keep the Charcoal Iron and Steel Industry insured and well maintained.

Clause 27 defines the State's position in the event of the company being in default of any of its obligations under the agreement. In this clause the State has the right to take back the industry without compensation being paid or, alternatively, to make right any fault and charge the company. It should be noted that provided the company performs its obligations, subclause (3) of this clause limits the operation of the clause to six years.

The remaining clauses which I have not mentioned are, for the most part, standard clauses found in most of the major mineral development agreements written by the State and should not require explanation at this point.

My only remaining comments relate to the provisions of the ratifying Bill wherein it will be noted that under section 4 it is proposed that the Treasurer be constituted the board in lieu of the arrangements under the principal Act.

This will enable the Treasurer to remain guarantor in accordance with the guarantees provided for under the Act and will simplify administration of the "back to back" repayment of loans from company to State to lender pursuant to the provisions of clause 5(3)(b) of the agreement.

To summarise, it is apparent that the benefits which accrue to the State through this agreement are substantial. The development it involves will provide Wundowie with a secure economic future; it will allow the operations of the Wundowie Charcoal Iron and Steel Industry to be rationalised and placed on an economic basis; it will lead to the production of a range of iron alloys not before made in Western Australia, and it will substantially eliminate the State's liability for further expenditure on the Wundowie project.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

ROAD TRAFFIC BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

LOAN BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.24 a.m.]: I move—

That the Bill be now read a second time.

Authority is sought each year, usually towards the close of the spring session, for the raising of loans to finance certain works and services detailed in the Estimates of expenditure from the General Loan Fund. This Bill seeks the necessary authority to raise a sum not exceeding $60.450 million for the purposes listed in its schedule.

The borrowing authority being sought for each of the several works and services listed in the schedule does not necessarily coincide with the estimated expenditure on that item during the current financial year.

This is because unused balances of previous authorisations have been taken into account, and in the case of works of a continuing nature, sufficient new borrowing authority has been provided to allow them to be carried on for a period of about six months after the close of the financial year. This is in accordance with the usual practice and ensures continuity of works in progress pending the passage of next year's Loan Bill.

Details of the condition of the various loan authorities are set out in pages 46 to 51 of the Estimates. The appropriation of loan repayments received in 1973-74 is also detailed in the same pages, as well as the allocation of $21.641 million of the Commonwealth General Purpose Capital Grant for 1974-75.

The grant for this year has been fixed at $30.387 million but, as mentioned in another place, it has been decided to set aside $8.746 million of these funds in order to finance the estimated deficit in the Revenue Account.

The main purpose of the Bill is simply to provide the necessary authority to raise loans to help finance the State's capital works programme, the actual raising of the required funds being a completely separate enterprise.

In this financial year, the amount to be borrowed by the State has been set by the Australian Loan Council at $64.278 million. The total for all States is $701 million.

The responsibility for raising this large sum rests with the Federal Government which acts on behalf of all States in arranging new borrowings, conversions, renewals, and the redemption of existing loans.

The Treasurer explained, when introducing this measure, that the present sad state of the domestic money market, which reflects the tight monetary situation, makes it apparent that the 1974-75 proceeds of public loans floated by the Federal Government in Australia, will fall well below $701 million, and no doubt the Commonwealth will attempt to raise a substantial part of the required funds from the international market, and indeed it would be desirable to do so, in order to ease the liquidity squeeze on the private sector.

The prospects of accommodating the monetary needs of the business sector would certainly be enhanced if the Commonwealth were to limit its take from the domestic market. The borrowing prospects of semi-governmental and local authorities would also be improved.

It is a comfort, particularly in prevailing circumstances, the Treasurer added, for him to be able to point out that when the proceeds of public borrowings are insufficient to finance the States' programmes, the Commonwealth Government makes up the shortfall by subscribing the appropriate amount to a special loan—within the prescribed limits, of course. The amounts made available by the Commonwealth to the States in this way are not grants, but represent State debt. These special loans carry terms and conditions similar to those offered in the previous public loan raised in Australia.

The effect of this arrangement is that the Commonwealth Government contributes from its own resources, by way of loans, to help finance the Loan Council programmes of the States.

Unfortunately, a similar arrangement does not exist with borrowings by semi-government and local authorities. Although the Loan Council approves an aggregate annual borrowing programme for semi-government and local authorities raising more than $500 000 in a financial year, the Commonwealth does not raise loans on their behalf. This is the responsibility of the authorities concerned.

As mentioned by the Treasurer when introducing the Loan Estimates, there must be reservations about the prospects of our semi-governmental bodies raising their full quota of loans in 1974-75 and, in order to cushion a possible shortfall, we decided to hold $8 million of this year's General Loan Fund allocation in reserve in case it becomes necessary to supplement their borrowings. We can but hope that it will not be necessary to use these funds for that purpose. The extent to which they are not so used will enable a release of money for other capital works.

Discussions have taken place and are to continue between Commonwealth and State Treasury officers on steps which should be taken to increase the present low level of subscriptions to semi-government and local authority loans. We are hopeful that ways will be found to increase the present meagre flow of funds to these bodies.

The Bill also makes provision for the repayment of loans raised under the authority of this Bill, together with interest thereon, to be met from the Consolidated Revenue Fund.

Commitments on this account have been mounting over the years and in 1973-74 reached a total of $69.2 million. The payout in this financial year is expected to be $76.6 million. Although some of this outlay is recovered from authorities in the position to meet the debt charges on the advances made to them from the General Loan Fund, there is a substantial net cost to the Revenue Fund in servicing loans raised by the State. This cost is accelerating, because of the explosion in interest rates since July, 1973, which has lifted them to unprecedented heights.

There have been recent cuts in the yields on Treasury notes which may lead to a downward movement in interest rates at the short end of the bond market, but this move appears to be aimed at making private sector securities more attractive to investors, and it may not have any significant effect on interest rates generally.

Notwithstanding the present high cost of borrowings, the Government must proceed with its works programme, and I therefore commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Thompson (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.29 a.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. today (Wednesday).

Question put and passed.

House adjourned at 2.30 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 26th November, 1974

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

SKELETON WEED (ERADICATION FUND) BILL

Display of Model

THE SPEAKER (Mr Hutchinson): For the information of members, I advise that the Minister for Agriculture has requested permission to display in the Chamber a model of skeleton weed prior to and during the debate on Order of the Day No. 5. I have granted permission and the model is displayed in the corner of the Chamber behind the Speaker's Chair.

BILLS (7): ASSENT

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

1. Superannuation and Family Benefits Act Amendment Bill.
2. Rights in Water and Irrigation Act Amendment Bill.
3. Lake Lefroy Salt Industry Agreement Act Amendment Bill.
4. Dampier Solar Salt Industry Agreement Act Amendment Bill.
5. Factories and Shops Act Amendment Bill.
6. Rural and Industries Bank Act Amendment Bill.
7. Money Lenders Act Amendment Bill.

BILLS (2): INTRODUCTION AND FIRST READING

1. Beef Industry Committee Bill.

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

2. Nickel (Agnew) Agreement Bill.

   Bill introduced, on motion by Mr Mensaros (Minister for Industrial Development), and read a first time.