

That working party presented a report in June, 1974, which concluded that the requirements of the Fremantle Port Authority and CSBP & Farmers Ltd. were completely irreconcilable in their existing form, but that an effective compromise in another form could be achieved without one party or the other surrendering its vital interests.

That compromise is now reflected in the executed agreement set out in the schedule to the Bill before the House and sought to be ratified by the Bill.

The agreement provides for a rearrangement of existing services and for what appears to be a complex subdivision and consolidation of various parcels of land.

The rearrangement of services, which frees the land presently used for those services to enable acquisition by CSBP, together with other land, comprises relocation of road access, railway, water and power mains, telephone cables, certain facilities serving the Fremantle Port Authority's wharf next to CSBP and certain pipelines the property of Western Mining Corporation Limited conveying raw materials from the BP refinery to the Kwinana nickel refinery.

The whole of the cost of rearrangement of these services to standards and specifications equivalent to the standards and specifications of the existing services is to be met by CSBP as set out in the agreement.

All of the authorities concerned, including the Australian Telecommunications Commission and Western Mining Corporation Limited, have been consulted in this connection and have indicated approval to the proposed rearrangement.

The land involved in the transaction—the subdivision of which and its subsequent consolidation has been approved in principle by the Town Planning Department and the Metropolitan Region Planning Authority—is currently registered in the names of the Crown, the Industrial Lands Development Authority, Crown land where roads to be closed are concerned, and there are some privately-owned residential lots in the Kwinana Village area which have been offered to the Government for acquisition, with one or two exceptions, in the continuous programme of acquisitions in this area.

Apart, therefore, from the acquisitions from private owners, which will all be at current market valuation on the same basis as previous acquisitions in this area, the land transactions involved are not as complex as appears at first sight.

As well as paying the cost of rearrangement of the various services involved, the company will also pay for all the land it is to acquire at a valuation of \$24 710 per hectare—\$10 000 per acre—or actual cost to the State where this is in excess of

that figure. It will also pay for land required for relocation of services on the same basis, but to be offset by the land already used for existing services.

Provision is made in the agreement for the additional land to be sold to the company to be consolidated into one lot in a plan or diagram of survey so that in the unlikely event of any proposal for subdivision in the future it would become subject to policy of the Town Planning Board or the Government at that time.

Such consolidation also implies that the provisions of the 1964 agreement will apply to the additional land and to prevent any misunderstanding in this connection, the agreement spells out the clauses of the old agreement which apply equally to the new land as well as specifically stating that the new agreement does not vary any of the provisions of the 1964 agreement.

There is no obligation in the agreement for the company to proceed with development on the additional land as the company has already expended some \$15 million on plant extensions to its existing site since the submission for extra land was made in 1972.

Additionally, this agreement honours the undertaking I have referred to given by the then Premier (the Hon. J. T. Tonkin) in 1972 for further land to be made available to the company and the company has honoured its undertaking to surrender its North Fremantle leases to the Crown some 35 years before actual expiry of those leases.

With regard to the question of environmental protection, this has been the subject of examination by the Environmental Protection Authority which has advised it does not foresee any environmental problem arising from the proposals and in any case the requirement under clause 14 of the agreement for the company to comply with the existing environment protection provisions ensures adequate safeguards.

In moving the second reading, Mr Speaker, I ask permission to table a copy of the plan referred to in the agreement which indicates the land concerned and the proposed rearrangement of road and railway services.

The plan was tabled (see paper No. 240).

Debate adjourned, on motion by Mr Jamieson (Leader of the Opposition).

House adjourned at 11.10 p.m.

Legislative Council

Thursday, the 20th May, 1976.

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

TOTALISATOR AGENCY AT LEONORA

Closure: Petition

THE HON. S. J. DELLAR (Lower North) [2.33 p.m.]: I wish to present a petition from residents of Leonora and surrounding districts relating to the restoration of betting facilities at Leonora. I move—

That the petition be received, read and ordered to lie upon the Table of the House.

Question put and passed.

THE HON. S. J. DELLAR (Lower North) [2.34 p.m.]: The petition contains 78 signatures and bears the Clerk's certificate that it is in conformity with the Standing Orders. It reads as follows—

To the Honourable the President and Honourable Members of the Legislative Council.

We, the undersigned residents of Leonora and surrounding districts of Western Australia, do herewith pray that Her Majesty's Government of Western Australia will use its best and immediate endeavours to restore facilities at Leonora for betting by eligible persons on lawfully conducted racing, trotting and greyhound events available to most Australian citizens but which are now non-existent at Leonora since the closure of the Totalisator Agency Board operations at Leonora.

If for any reason the re-opening of the Totalisator Agency Board at Leonora is not practicable, we earnestly pray that the Totalisator Agency Board, pursuant to the provisions of the Betting Control Act, 1954-1970, calls applications for a person to operate at Leonora in registered premises as a licensed off-course bookmaker.

Your petitioners, therefore, humbly pray that your honourable House will give this matter earnest consideration, and your petitioners as in duty bound will ever pray.

The petition was tabled (see paper No. 213).

QUESTION ON NOTICE

WESTERN OIL AND REFINING CO. PTY. LTD.

Oil: Refusal of Supply

The Hon. G. E. MASTERS, to the Minister for Education representing the Minister for Fuel and Energy:

- (1) Is the Minister aware of the fact that Western Oil and Refining Co. Pty. Ltd. of Bellevue has been refused supply of fuel oil on Wednesday, the 19th May, 1976, by B.P. Australia Ltd., Kewdale, despite the fact the company had an order for supply from Ampol Petroleum Ltd.?

- (2) Is it the normal practice for any oil company to be supplied fuel from B.P. refinery providing they are a *bona-fide* trading company?
- (3) As B.P. Australia Ltd. is operating the only refinery in Western Australia, is it possible for this company to withhold supply to whomever they see fit with a view to putting an opposition company out of business?
- (4) Is the Minister able to advise who is controlling B.P. Australia in Western Australia—the B.P. Company or the Transport Workers' Union?
- (5) As the Western Oil and Refining Co. Pty. Ltd. have a contract with Ampol requiring them to pick up their own fuel, and as refusal of supply by B.P. Australia constitutes an infringement of the Trade Practices Act regarding restraint of trade, is the Minister able to take any action in this regard?
- (6) What quantities of fuel and oil does Western Oil and Refining Co. Pty. Ltd. normally supply to State Government departments?
- (7) If Western Oil and Refining Co. Pty. Ltd. is not able to supply the State Government, who will continue the supply?
- (8) Is the cost of fuel and oil to the Government departments likely to increase as a result?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) BP Australia Ltd. supplies the majority of petroleum products to the other marketing companies operating in the Perth metropolitan area from their Kwinana refinery which is owned and operated by BP Refinery (Kwinana) Pty Ltd.
- (3) The oil industry operates refinery exchange agreements. Under these agreements supplies are made available to other companies in one State in exchange for supply by the other companies in States where the local refining company does not have refining facilities or has insufficient production capacity.
BP could withhold supply from the other companies but this would be to their detriment as they would lose access to supply in other States where they do not operate refineries. This would increase the total level of costs in the industry as they would have to transport product from States where they operate refineries to States where they do not. These

normal commercial arrangements have operated with considerable success for many years.

- (4) BP Australia.
- (5) The Trade Practices Act 1974 is a Commonwealth Government matter and State Ministers have no jurisdiction.
- (6) The major State Government customer is Westrail. They purchase approximately 50 000 gallons of various lubricating and machinery oils annually. Other minor customers are the Metropolitan Water Board and the Main Roads Department. They purchase various grades of lubricating oil also. The total volume for the minor consumers is about 10 000 gallons per consumer.
- (7) Tenders would need to be called to arrange new supplies.
- (8) Answered by (7).

LAND TAX ASSESSMENT BILL

Third Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.42 p.m.]: I move—

That the Bill be now read a third time.

THE HON. D. J. WORDSWORTH (South) [2.43 p.m.]: In the second reading debate I asked the Minister for Justice some questions which were not answered fully when he replied to the debate. A major question I posed was: Who shall be required to lodge returns? This matter is dealt with in part V of the Bill.

Clause 24 (1) provides—

Every person who is the owner of land in this State personally, or in any representative capacity, shall furnish to the Commissioner an annual return...

Subclause (6) states—

A person shall not be relieved from the obligations to lodge returns under this section by reason only that the land may be exempt land unless he is so relieved by notice of the Commissioner.

Reference is made to the commissioner's powers. I should point out that other clauses in the Bill also relate to this question and supply the answer.

I fail to see why only 50 000 people will be required to lodge taxation returns. The Minister for Justice was good enough to seek departmental information on the point I had raised. I realise that the schedule to the Bill contains some definitions, and every reference in the schedule directs attention to other provisions in the Bill. However, there does not seem to be any part of the schedule which relates to these returns; in other words,

to clause 24. The definitions are included in the schedule, but I cannot see how they are related to the lodging of returns.

I also raised the question of forestry land being included in the main part of the Bill, but agricultural land being mentioned only in the schedule. In the course of his remarks I think the Minister said that one was an exclusion and the other was an exemption. I hope the Minister will explain to me the difference between an exclusion and an exemption. There may be some technical difference between the two of which I am not aware.

I am very concerned that every landowner should be required to lodge returns. I have outlined how difficult this task could prove to be; and it would be a still more difficult task for people living in rural areas. If people living in the city are required to lodge returns to show that they do not have to pay tax, there may be some cause for a return. We have gone to great lengths to prove that people living beyond the metropolitan area and town planning schemes should not be required to lodge these returns if they are not required to pay the tax. It might be all right to impose this requirement to fill in returns on people who may have to pay some tax, but it appears that in this case the information gained is for other purposes.

I feel that if it cannot be proved satisfactorily that all landowners have to lodge returns the Bill ought to be recommitted and amended along the lines I have indicated.

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.46 p.m.]: The queries that have been raised illustrate the advantages of the additional time that has been afforded to consider the Bill through the existence of the Legislative Council. This provides an opportunity for further consideration to be given to complicated provisions in legislation such as the Bill before us. We should acknowledge the persistence with which Mr Wordsworth has approached this topic.

The Hon. R. F. Cloughton: It was at the insistence of the Opposition that the debate on the second reading was adjourned; that was done to enable reconsideration of the provisions.

The Hon. N. McNEILL: The significance of that interjection is not apparent to me.

The Hon. D. J. Wordsworth: I also wanted an adjournment to enable me to examine the provisions.

The Hon. N. McNEILL: At the time I acknowledged that Mr Wordsworth went to great depths in his examination of the legislation; that fact should be well recognised. However, let me refer to the second query raised by the honourable member. He referred to the distinction which might be drawn between forestry land and other classes of exempt land, such as agricultural

land specified in clause 12 of the schedule to the Bill. Mr Wordsworth used the word "exclusion" when he referred to the comments I made in the second reading debate.

The Hon. D. J. Wordsworth: I was speaking from memory. I thought the Minister had used the word "exclusion".

The Hon. N. McNEILL: In fact, the word I used was "concession". The Bill contains a provision which deals with concessions, and that appears in part IV, clause 23. This provision deals with forestry land and that is the part of the Bill which also deals with concessions and exemptions. I said that forestry land was concession land, whereas agricultural land and other types of land specified in the schedule were exempted lands in their own right. That is the distinction.

Perhaps more importantly, as Mr Wordsworth and other people have raised the point, I should deal with whether, in fact, the Act should not absolve all landholders from the need to lodge returns.

I suppose I could therefore be somewhat charitable and acknowledge that Mr Wordsworth probably has a point, as has been disclosed by an examination of the legislation.

On the advice which has been tendered to me perhaps you, Mr President, will be indulgent if I convey it to Mr Wordsworth and the House generally. Therefore, for the sake of accuracy, I will read what has been conveyed to me.

As I have already explained in the second reading debate on this Bill, approximately only 50 000 persons will be required to furnish returns to the commissioner.

Subclause (6) of clause 24 of the Bill—and this is the particular subclause referred to by Mr Wordsworth—does provide that a person is not automatically absolved from the obligation to lodge returns simply because he considers his land may be exempt. He is so relieved only by notice of the Commissioner. I think that gives point to the question raised by Mr Wordsworth.

Further to the advice tendered to me, it is not intended that each of the approximately 250 000 exempt owners will be given separate notice exempting them from lodging returns, even if complete records were available to make such a scheme possible.

The notice will be given by extensive publicity in the media, general advertisement, and specific information contained in the actual land return form to be used.

The requirement to lodge land returns is widely advertised by notices in the *Government Gazette*, in the local Press, in the newspapers circulating in country towns, and by posters displayed in public transport and in public places.

Comprehensive information will be provided on the land return form itself.

All of the information will include clear notice that returns are not required from—

Owners of single items of land not exceeding 2.02 hectares (5 acres) in area that are used solely as the residence of the owners; or

Owners of farms outside the metropolitan region.

The Hon. D. J. Wordsworth: Does the Minister not think that is rather ridiculous? I have not heard anything so odd in my life; to make a law and insert an advertisement in a newspaper to say it does not apply.

The Hon. N. McNEILL: If I may continue: These are the cases in which exemption may be deemed to be assumed, although those people who have doubts should clarify their position with the commissioner. Those who have no doubts that their land qualifies for exemption as a residence site, or as a genuine farm situated outside the metropolitan region, will not be required to furnish returns, by notice from the commissioner, as I have explained.

A person claiming primary producer exemption on land inside the metropolitan region will be required to make application to the commissioner and the exemption will be granted when the conditions of the exempting provisions are satisfied.

Despite the interjection by Mr Wordsworth, I trust that the explanation satisfies the House. It makes the position quite clear as to the exemption and the avoidance of the necessity for all people to submit their returns. I commend the third reading.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

RURAL HOUSING (ASSISTANCE) BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to facilitate the provision of suitable housing on rural properties for farmers engaged in primary production, and to constitute a rural housing authority.

It will no doubt be appreciated by members that access to home finance has been a problem to farmers where conventional forms of arranging finance have been found to be unsatisfactory, mainly on account of being unable to provide acceptable security to lending institutions.

In recognising this problem, the Government has carried out extensive research, and it is considered that the measures contained in this Bill will enable a great number of farmers to satisfy the

security requirements of the various lending institutions and assist in alleviating their housing needs.

In taking these new initiatives, the Government has had regard to the need to assist the farming community, bearing in mind that rural production has been one of the main elements in creating our present economic strength. Having regard also to the variable income situations experienced by farmers, brought about by the wide range of seasonable factors, and the vicissitudes of international demand for farm products, it was necessary to evolve a scheme to assist the farmer to obtain housing finance and yet ensure that the traditional methods of financing farming operations were preserved and not jeopardised.

It was also recognised that a farmer should have more than one avenue of borrowing, and that the sources of home finance available to him should be extended, so that, in his selection of a home financing institution, the options available are more in line with those of urban home buyers.

To provide these options, the Government has adopted the concept which will encourage recognised home finance institutions to participate under the cover of mortgage insurance, or State Government guarantee.

The scheme is designed to assist and encourage the traditional home financing institutions to make advances to farmers to finance the erection of an adequate dwelling, or upgrade an existing dwelling on their farms and, where necessary, to assist approved farmers to meet the repayments on their homes by the mixture of a proportion of low-interest money into their loans in a ratio which is subject to periodical review.

The Bill provides for the creation of a rural housing authority which will consist of four members, all of whom will combine experience in housing, rural finance, and farm management. It is intended that the authority will receive applications from farmers seeking home finance, and will screen the applications, having regard to the farmer's housing need and financial position, the viability of his property, and any other factors which may be peculiar to an applicant's circumstances.

Any applicant deemed worthy of assistance will be provided with a certificate by the authority, which will set out the terms and conditions under which the authority will support a loan which may be granted.

The farmer will present this certificate to any lending institution that has previously made application to, and been approved by the Minister, to be an approved lending institution for the purposes of the Act. It shall be incumbent upon a farmer to whom a certificate has been issued to make every endeavour to obtain mortgage

insurance to cover the proposed loan. If the approved lending institution satisfies the authority that it has not been possible for the farmer to obtain mortgage insurance, and it indicates it is prepared to make an advance to the farmer on the terms and conditions set out in the certificate, provided it will be indemnified by the State against loss incurred by it in respect of the advance, the authority may then authorise the approved lending institution to make the advance. The security for the advance shall be as agreed between the lending institution and the authority, and is to be the most appropriate in the circumstances.

Apart from the provisions to indemnify private funds against loss, provision exists in the Bill for the authority to obtain funds for the purposes of the Act. It is envisaged that such funds could be moneys provided under the Commonwealth and State housing agreement; moneys borrowed by the issue and sale of debentures, or moneys obtained from any other lawful source.

It is the Government's intention to press for an amendment to the Commonwealth and States Housing Agreement Act to enable low interest moneys to be made available under that Act specifically for use by the authority.

The Bill proposes that where an application is received from a farmer deemed worthy of assistance, but whose circumstances will preclude him from meeting the repayment of an advance at current mortgage interest rates, the authority may advance, if such funds are available, an amount of low-interest money to the approved lending institution, which would add to this amount that amount necessary to bring the housing advance up to the amount certified by the authority as being the ceiling of cost of the house for the approved farmer.

The blending of the funds from the two sources will reduce the repayment instalment on the total advance to a figure which is within the farmer's capacity to pay. Any moneys advanced to an approved lending institution by the authority in this manner shall be secured by a debenture in such terms as the authority requires. In all cases where low-interest money has been injected into a farmer's advance, the farmer's circumstances will be the subject of periodic review, in common with normal financing institutions, and the amount of low-interest money adjusted should the authority deem it necessary to do so.

In addition to making advances to achieve a mix of funds for the purpose of reducing the interest rate overall, the authority will be able to make direct loans of low interest funds where it is proven that an approved farmer needs special support for such period as is deemed to bring his overall position to the stage

where he can cope with ordinary repayment, or mix of funds repayment obligations.

The Bill limits assistance to a farmer who intends to use the dwelling house, the subject of his application, as a home for himself and his dependants. The applicant must be the holder of the fee simple of the land, or the lessee under a conditional purchase, or pastoral lease under the Land Act.

The farmer must also be a person whose sole or principal activity is the carrying on of farming operations on his land.

It is believed that the new ideas to be introduced will cover not only farmers who are operating in the new lands areas, but also those in the older established areas where there are many dwellings requiring upgrading or replacement.

The scheme as evolved and indicated is solely for the purpose of enabling a farmer to obtain housing finance to provide accommodation for himself and his dependants.

The Government is aware of the further need to assist farmers in the provision of housing for farm employees, but considers that the provision of housing for the farmer himself, particularly those in the new lands area, is of prime, and prior, importance.

It is the Government's intention to re-examine the situation at a future date, when consideration will be given to the housing of farm employees.

I commend the Bill to the House.

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

EDUCATION ACT AMENDMENT BILL *Second Reading*

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.02 p.m.]: I move—

That the Bill be now read a second time.

A number of pre-school teachers who recently transferred to the Education Department through the incorporation of their centres, were members of a superannuation scheme operated by the Western Australian Pre-School Board, in conjunction with the AMP Society.

As it now stands, the Education Act does not empower the Minister for Education to enter into arrangements with the trustees of this superannuation scheme, and the purpose of this Bill is to protect the rights of the teachers who would otherwise be obliged to withdraw from the fund and, in so doing, suffer disabilities which may be quite severe in some cases.

This Bill seeks to have special provision included in the Education Act to empower the Minister, with the approval of the Treasurer, to participate in the Pre-School

Board Superannuation Scheme, and to make such contributions as may be necessary to ensure the adequate protection of transferring teachers' rights.

I commend the Bill to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.04 p.m.]: We support the Bill. There are, however, one or two matters I would like to raise briefly.

The legislation is designed to cover the position of a teacher who moves from the pre-school area into the Education Department. Perhaps the Minister could inform us what would be the position in regard to the scheme if such a teacher wished to transfer back to the Pre-School Board.

The amendment is to the miscellaneous division of the Act and there is no relationship to the section either before or after it. It is possible that there may be a need for some rearrangement of the legislation, if in fact it has no better place in the administrative provisions.

Section 37 which follows section 36A deals with the teachers' tribunal and could in fact form two separate divisions. I bring this to the notice of the Minister as something which may be done in the future.

On a previous occasion reference was made—though it is not a matter concerning this amendment—to the provision which says the language of instruction had to be the English language. At the time the Minister said he would have the matter examined and I wonder whether he could indicate what progress has been made in this direction.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.06 p.m.]: The question raised about the teacher wishing to transfer back to the Pre-School Board is covered by the fact that he already has authority to make payments to the AMP Society. So it will be perfectly all right. It is purely and simply the Minister himself who has not the power and it is considered necessary that he should have it. Successive Governments have tried to avoid this, but in the circumstances it is unavoidable unless the teachers are going to be severely disadvantaged. This was considered to be the solution.

I thank Mr Claughton for bringing the other question to my attention. I had hoped to introduce a number of amendments to the Education Act and the matter he has raised was to be the subject of one of those amendments; but because of the pressure that is being experienced by the Parliamentary Counsel in the drafting of Bills I was unable to get all the amendments completed.

The one before us is very important so I gave it priority, because of the effect it will have on the superannuation or the actual money of some of the teachers. I

had made a promise they would not be in any way inconvenienced or lose any money.

Incidentally the problem in regard to draftsmen attached to the other departments is a problem peculiar to every Government in Australia and it is not one that is easily rectified.

However I hope the other amendments, including the one to which Mr Cloughton has referred will be brought forward in the latter part of the next session of Parliament.

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.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.10 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to alter the trading hours of petrol stations to enable them to close at 6.00 p.m. on Monday to Friday, instead of 7.00 p.m. as at present. This will be on a trial basis for a period of 12 months, and should it provide inadequate service to the public, a reversion to the present hours will be considered.

It is considered that an increase in the number of roster stations operating outside normal hours may help to alleviate the situation without undue inconvenience to the public.

Petrol buying patterns have shown some change in the metropolitan area, and operators are now finding it uneconomic to open between 6.00 p.m. and 7.00 p.m. on week days, particularly as that hour involves overtime rates of pay. The WA Automobile Chamber of Commerce made strong representations on behalf of its members to make the change. Although this Government is keen to see flexibility and extension in general trading hours, it is ludicrous to force service stations to remain open during a period in which very little petrol is sold. Roster stations will take up the difference, as they will come onto roster at 6.00 p.m., instead of 7.00 p.m. as at present. As the current rosters do not expire until the 18th July, 1976, it is intended to introduce the altered times from the 19th July, 1976.

The Bill provides in future for the Minister to publish notice in the *Government Gazette* of details of the rosters. This will relieve the Governor-in-Executive-Council of the necessity for having to deal with those arrangements, the formal procedures

of which are time consuming, whereas they can be expeditiously and appropriately handled at ministerial level.

In addition, it is proposed to overcome a situation in the Act which makes it impossible for the Minister to vary or revoke an exemption granted for a trade fair to be conducted out of normal hours. Quite a few exemptions are granted during the year for this purpose. However, in one case, exemption was granted in December, 1975 for a trade fair at the Claremont Show Grounds to commence on the 21st May, 1976. Certain conditions were attached to the exemption which the organisers now find a need to vary. Although acceptable to the Minister, legal advice shows that the Act is so rigid it precludes him from making any variation.

The amendment is designed to allow the situation to be corrected, with provision for the change to take effect as soon as the amending Bill receives assent.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [3.12 p.m.]: We raise no objection to this Bill, which amends the Act in two respects. As I understand it, one amendment was requested by the Automobile Chamber of Commerce, and the other provision which is being amended—and I agree with the Minister here—is so rigid that it allows no flexibility whatsoever. We support the Bill.

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

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.

AGRICULTURE AND RELATED RESOURCES PROTECTION BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for a major redrafting of the Vermin and Noxious Weeds Acts which currently provide for the control, prevention and eradication of vermin and noxious weeds.

It is proposed to establish a new system of management, and to provide for amalgamation of the control, prevention and eradication of vermin and noxious weeds. In the Bill the terms "declared plants" and "declared animals" are introduced to replace the terms "noxious weeds" and "vermin".

The existing Vermin Act was designed on a system of separate local vermin authorities with responsibility for the control, prevention and eradication of vermin. The vermin authorities were empowered to

raise funds by rating and to employ administrative, inspectorial and operative staff to carry out their responsibilities. Subsequently, the Act was amended to permit shire councils to assume the role of vermin authorities. Over 100 of these separate local vermin authorities still exist. Later the Agriculture Protection Board was established with Statewide responsibility but, nevertheless, the whole system with respect to vermin is still based on control by local vermin authorities.

In the past 40 years, no vermin authority has carried out the total functions and duties clearly specified in the Vermin Act. Some have been keen and active in carrying out some of the duties, and have fallen short in others, and many other local authorities have done little or nothing.

The present Noxious Weeds Act places the control of primary noxious weeds under the control of the Agriculture Protection Board, with shire councils controlling secondary noxious weed legislation. The shire councils have taken little action to enforce weed legislation, and the prime responsibility, as with vermin, has passed back to the Agriculture Protection Board.

The effect of the responsibility passing to the board has resulted in an undesirable degree of centralisation of decision-making, and the proposal in the new legislation is for the establishment of a number of zone control authorities supported by regional advisory committees, which will have the responsibility of determining the approaches to be taken to "declared plant" and "declared animal" control in their areas. They will be supported by having permanent Agriculture Protection Board staff closely associated with them to ensure that, provided the policies they suggest are not contrary to the overall objectives of vermin and noxious weed control, these policies can be implemented by the control authority.

In this way decentralisation of control will be achieved and, hopefully, the dissatisfaction and criticism which is so often expressed with centralised control will be ameliorated through the experience of being directly involved with the necessary decision-making. It is emphasised that the Bill does not propose to reduce the local contribution to policy development through the repeal of the Vermin Board and shire council responsibility, but rather aims at providing an effective regional management system to replace the previously ineffective arrangements and, at the same time, retaining the experience and knowledge of local people.

The Bill incorporates the provisions of the repealed Vermin and Noxious Weeds Acts. In particular, it continues through into the new legislation the basic responsibility of the landholder for the control, prevention, and eradication of "declared plants" and "declared animals". At no time should this responsibility be lost sight of,

as the costs of the Government accepting the overall responsibility would be prohibitive.

The Government has, however, accepted the responsibility for financing the costs of administration, inspection, research and extension. Landholders will be primarily responsible for the operational work on their properties. The financing of this operational work has been a major source of discussion in the preparation of the Bill.

The original proposals provided for an overall State rate for this work. After much consideration, the Government has decided against the imposition of a rate in agricultural areas to cover the cost of this on-farm operational work. The landholders, whether farmer or local government, will be charged directly in the agricultural areas for the work carried out on properties under their control. There is, of course, no compulsion on them to use the services provided by Agriculture Protection Board staff, and they may elect to use private contractors, or to carry out the work themselves, if they are convinced that these alternative approaches are less costly or more convenient.

Concern has been expressed at the provisions in the Bill relating to the obligation of local authorities and landholders to control declared plants and declared animals in relation to land under their control.

The view that the Bill does not provide for a defence for someone charged with not carrying out the instructions of an inspector has been examined, and it is agreed that under certain circumstances the obligation may have been satisfied in some other manner.

I therefore propose, during the Committee stages, to move amendments to the relative clauses in the Bill concerning this matter.

The nature of the pastoral areas requires organised community activity. It is therefore proposed that, in the pastoral areas, a rate based on the unimproved capital value of pastoral properties will be imposed. This approach has the support of the Pastoralists and Graziers Association. It provides for a rate up to a maximum of 4.5c in the dollar to be imposed with the actual rate, in the first two financial years, being limited to 3c in the dollar. This will involve a Government contribution in the first year of \$345 000 and a higher contribution to meet rises, due to inflation, in the second year. In subsequent years, the rate raised from pastoralists will be matched by the Government. This will involve a contribution by the Government estimated at \$308 000 per annum, if the maximum rate of 4.5c is imposed. Additional amounts that may be needed can be raised on the decision of the zone control authority through the provision of a zonal rate.

This rating should continue existing activity in the pastoral areas at around its present level. Effective control of declared animals must continue to include a major involvement of the pastoralists themselves. This is expected to be supported by pastoralists, in view of their contention that vermin are their major problem.

The amalgamation of the control activities for declared plants and animals under one Act provides a framework within which the most efficient staff management can be developed. Current re-organisation of the staff has centred around developing a separate inspection and operational work force. It is emphasised that the board's and the Government's objective is to have the most efficient arrangement. It could be that alternative staff organisational arrangements will prove to be better in some cases, or perhaps even the majority of cases. The present situation which has been developed after a trial period should be given an opportunity to settle down and be tested for effectiveness.

In considering the staff situation, it must be remembered that the Government's prime responsibility is for the inspection of properties to ensure that declared animals and plants are not permitted to establish and thrive to the detriment of the general farming community. It is the landholders' responsibility to carry out control or eradication. It is important that the Government officers not become so involved in the operational control work on farms that their inspection responsibilities are neglected. This was the developing situation under the arrangements which existed before staff were re-organised. On the other hand, it is recognised that staff need involvement and work satisfaction if morale is to be retained. It is emphasised that the framework is established by the Bill and the precise arrangements which are developed in the future will be dictated by efficient use of the available staff resources.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill relates to the Agriculture and Related Resources Protection Bill now before the House.

At present the Agriculture Protection Board Act provides for the establishment of an emu and grasshopper advisory committee to advise the board on control policies relating to these species. Although of

assistance in its initial stages, the committee has not met since 1959 and will be abolished in the Bill.

The Bill allows for the Agriculture Protection Board to resell equipment purchased, or materials manufactured or purchased, at a price to cover administrative charges, including an additional amount which will be set aside in a reserve account. The latter is an additional power, and is necessary for the replacement of plant and premises associated with such projects as the board's bait manufacturing factory.

The board's present borrowing powers to meet emergency situations are limited to \$200 000; the Bill increases the limit to \$500 000 so as to keep such borrowing powers in relation to inflation movements.

The present Act allows the board to make advances of money to vermin boards and local authorities for control purposes. The Bill deletes reference to vermin boards as the provision to establish these will no longer exist and, at the same time, extends this power, thus enabling advances to be made to other bodies or persons.

The Bill provides for the Agriculture Protection Board to determine conditions of employment subject to public service board approval; the employment of staff, and creation of positions, will also be subject to Public Service Board approval.

Other revisions have been made, such as deleting reference to the Vermin and Noxious Weeds Acts in order to conform with the repeal of these Acts, and the introduction of the Agriculture and Related Resources Protection Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

PENINSULA HOTEL, MAYLANDS (PRESERVATION) BILL

Second Reading

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.26 p.m.]: I move—

That the Bill be now read a second time.

So that the Minister will be properly advised of the subject of this Bill I have prepared a speech, and I trust that the usual practice will be followed in allowing me to read the speech.

The PRESIDENT: The usual practice is contained in the Standing Orders.

The Hon. R. F. CLAUGHTON: It should be said, first of all, that there is a great deal of urgency about this matter because it is well known now that the building is under imminent threat of demolition; and it is urgent that some action be taken to ensure its protection. I think it was unfortunate that some of the councillors of the City of Stirling, because of what appeared to be a long period of inaction, believed that in order to provoke some activity for the sake of the hotel they should

allow the Swan Brewery to proceed with the demolition, not believing that it would take place so quickly. Because of that action some unfair criticism may be levelled at the council in respect of its motives. Having spoken to several councillors, I understand the position is that they really intended that people become active in securing the protection of the hotel.

The purpose of this Bill is to protect the Peninsula Hotel, Maylands, from the threat of demolition which now hangs over it. If this purpose is to be achieved it is essential that the Government intervene in the issue.

In answer to a question asked recently the Government has indicated its intention to introduce legislation which will achieve protection for all buildings classified by the National Trust but these powers do not presently exist.

The Bill now before us is to give to the Government sufficient interim powers to protect the building. It provides absolute protection up to the 10th June, 1976, which is the period currently agreed upon between the Swan Brewery, which is the owner of the hotel, and the TLC during which no further demolition will take place.

It further provides that this period of protection may be extended by the Minister by notice published in the *Government Gazette* for periods of up to six months.

The extensions so given may, however, be of a week or month or whatever period is considered warranted in the circumstances by the Minister.

The intention of this provision is to enable negotiations to be undertaken by the Minister between the various interested parties in order to resolve the difficulties involved in achieving the preservation of the building, but not so as to place an undue burden on the owners. In other words, the Government will be able to guarantee protection of the building while arrangements for its future are being determined.

Because of the very narrow time limits, not only in respect of the period during which a stay of demolition is agreed upon, but also for the conclusion of this period of the Parliament, members will realise the extreme urgency for the passage of this Bill. The co-operation of the Government is essential if its passage is to be completed before the Parliament adjourns for the recess.

Let me stress most forcibly to members and the Government several vital arguments.

The first and most essential is that a guarantee must be given that the building will continue to stand.

Secondly it is unrealistic to expect voluntary organisations to provide a guarantee that they will provide the necessary

funds to restore, renovate, and maintain the building. It is impossible for such groups to provide an undertaking of this nature.

It is inevitable that finance will be required from Government or local government sources. However, initially, these need be only at the minimum level necessary to allow occupation of the premises by some organisations. No-one should doubt that once groups are granted accommodation they will immediately begin to raise funds in order to make the building suitable for their needs.

A busy bee has already been arranged for next Sunday to clean up and make secure the surrounds of the hotel.

It may take a number of years to completely restore the building, but let me stress again the great need for a clear statement that the future of the building will be secure.

It has been claimed that it has not been possible to find organisations willing to use the building. However, the report prepared for the National Trust (W.A. Branch) lists 21 organisations which indicated such an interest. My own discussions with various cultural bodies have brought out the lack of suitable accommodation as a consistent and serious problem that threatens their viability and prospects.

I have also been informed that the W.A. Temperance League was anxious to use the building as a refuge for alcoholics, but over an extended period has been unable to obtain answers to its correspondence.

More recently, the W.A. Opera Company through its executive officer (Mr Warrener) whom the Minister for Education would know well, wrote to the City of Stirling requesting use of the building. I am informed that no reply has been received to that request which was made before the decision of the council.

It is untrue, I believe, that it has not been possible to contract groups willing to locate themselves at the Peninsula. Rather there is an appearance that organisations have in fact been discouraged.

So that members may better understand the importance of the building to the City of Stirling and the State, I advise that to my knowledge, in the whole of the city, which has a population in excess of 150 000 people, there are only two classified historical buildings—Tranby House and the Peninsula Hotel. If the hotel is demolished there will be only one. The Peninsula Hotel, if developed, would serve a population of up to 34 000.

That information is found in a report prepared by Mr John Pidgeon the architect for the National Trust. I recommend it to members. It sets out an excellent and comprehensive case for the retention of the hotel and its use.

On page 3 of the Pidgeon report, can be found the National Trust's description of the buildings, as follows—

The hotel is a classified building, that is to say, it is among those parts of the physical environment, both natural and man made, which in the trust's view are essential to the heritage of Australia and must be preserved.

The Peninsula Hotel is considered one of the finest Victorian hotel buildings in the metropolitan area. Its exterior is dominated by a massive square dome and the building also displays delicate lace work balustrades and Victorian decorations around verandah posts, eaves and fenestration.

The interior of the building contains a magnificent staircase and jarrah balustrades winding around three walls of a spacious star hall. This hall is capped by a plastered decorative vault displaying art nouveau motifs. Most of the ceilings on the ground floor are pressed metal.

The report on pages 8 and 9 stresses the need for facilities in the area and draws attention to the fact that even groups presently accommodated in the area suffer from the lack of permanent facilities.

The existing facilities also cater mainly for the school-age child and there is almost nothing available for adults. This situation is acting against the development of a necessary wider range of leisure-time recreations.

Mention is also made of the large amount of flat development in the area and the social problems that arise from this type of development. The Pidgeon report states on page 9—

The 1971 census figures indicate that of the 7 000 houses and 2 000 flats in the area, about one quarter had no car.

Approximately one third of the population are not in the work force or are of school age and by inference would usually be at home during the day. Considering the relatively high proportion of families without a car, it is clear that many people, housewives and others would have difficulty travelling to community facilities outside the area.

Reference is made to the Albany Bell building owned by the Australian Government as possibly being available for community use. This proposal has been discussed for some years now and advice conveyed to me recently from the Department of Civil Aviation, now the Department of Transport, was that release of the building in the foreseeable future was most unlikely.

The question of car-parking requirements has been cited as an insurmountable problem. I suggest that this is not so, but

is only a problem that will not be resolved quickly. Members should be aware that we are approaching a time when people will, for economic reasons, be forced to use their cars less. Buildings such as the Peninsula will have an even higher value to the community when this time comes.

Questions of the total cost of restoration and use of the building and parking problems should not be the determining factors in arriving at a decision.

The Peninsula Hotel has been classified as "essential to the heritage of Australia and must be preserved". It is our task to do what we can as legislators to achieve that purpose and give the Government a tool by which it may act in the interests of the people. Experience has shown that, given the opportunity, the people will respond. There is ample evidence of this already and I would make particular reference to the facilities available at Fremantle. An entirely different attitude is evident when one is talking to groups established in the buildings in Fremantle including the old Fremantle Boys' High School, the Fremantle Crafts Centre and the arts centre. There is an atmosphere of optimism with the people looking forward to even greater things. They are overwhelmed by the number of people using the facilities. Mr Ferry would know about the Busselton facilities, particularly the old dairy and the use people make of it. The same can be said of facilities wherever they have been established in the State.

Finally, I urge the Government to recognise the urgency and necessity for this Bill and to facilitate its passage through the Parliament.

Only a few days remain of the first part of the session and this would make it very difficult for the passage of the Bill to be completed without Government assistance. I hope the Minister will agree to facilitate its passage because it will achieve the objectives I have stated. It does not contain all the things I could have included had I had more time.

The Bill provides the essential medium by which the Minister can take action and which the Minister for Town Planning, through the Attorney-General, has informed us the Government does not possess at this time. If the Government is genuine in its desire to give adequate protection, as indicated in its stated intention to introduce a Bill to establish a heritage council, I believe it will support this Bill.

With those remarks, I commend the Bill to the House.

Sitting suspended from 3.41 to 4.00 p.m.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.00 p.m.]: I have looked at this matter very carefully because I wondered whether it actually constituted a charge on the Crown. I have decided not to adopt that

approach, however, because I do not believe it does. Also, I would rather not use that method to deal with the question. As a matter of fact, I would rather persuade the House that the Bill is not necessary and is indeed unfair under all the circumstances, and that it ought to be defeated.

The Bill actually asks that the Peninsula Hotel be given absolute protection until the 10th June, 1976, and as Mr Claughton said, this is the period agreed upon between the Swan Brewery—the owner of the hotel—and the Trades and Labor Council, during which no further demolition will take place. So, provided the council does not take any further action, that is how the matter will remain.

The implication in the Bill is that the Swan Brewery is anxious to pull the hotel down, but that is not the case. To be absolutely fair, the Bill should have provided the taking out of an injunction against the Stirling City Council which has issued an order on the brewery to pull the hotel down. So many injustices have been perpetrated in this particular exercise that I would like to start at the beginning and mention a few of them.

In reply to a question yesterday, I said that this matter has not just come to everyone's notice; it has been known to interested people for well over a year. My records show that it was brought to my attention in January, 1975, by the Cultural Development Council, and the issue had been raised even earlier.

There are several reasons why the search for funds and other assistance was not successful. Firstly, a great deal of money would be necessary to preserve the hotel and, secondly, most of the people who became involved did not consider it worth saving. I am not talking about what was said publicly, but I am talking about what these people decided after careful consideration of the problem.

The Government would be up for the best part of \$2.5 million to save the hotel, and that could be the cost of the next primary school. As well as this, almost inevitably, we will be up for the best part of \$100 000 to maintain it. Anyone who has studied the matter will have found that a piecemeal approach had been made to the problem and many projects had been suggested such as community welfare projects, a pottery club, and a child-minding centre. If it were agreed to keep the hotel for projects of this type, a large sum of money would be necessary to maintain and operate it. We would then have the situation of a building designed for one purpose being used for a quite alien purpose. So these plans did not raise a great deal of enthusiasm. One always obtains immediate response and enthusiasm for such plans, but the enthusiasm dies when the details are considered. If we could illustrate by means of a graph the enthusiasm for such an idea, we would find a sharp nose

dive after the initial keenness. People might argue with me on this point, but anyone who has undertaken research into such projects will have come to the same conclusion. As I said yesterday, the idea of the NEAT Scheme held promise for a while, but it was finally knocked on the head.

What is the position of the brewery? The brewery was extremely generous in offering this hotel to be used for community activities, but it was also extremely unsuccessful. The local authority claimed that more parking space was required and indeed, as Mr Claughton very fairly explained, the council ordered the brewery to pull down the hotel in order to achieve more parking space. On no single occasion since the opening of the tavern has the present parking space been fully utilised, so in reality there is no need for additional parking space, and therefore no need to pull the hotel down in such a rush.

Another injustice was Leslie Anderson's article in last week's edition of *The Sunday Times*. I must admit that her articles are getting worse every week, but last Sunday I happened to read her comments about the desecration of a building and how the staircase had been destroyed. In actual fact, anything that has been taken from that hotel by the workmen up to date has been taken out with care, and it has been stored in a safe place and in a proper fashion.

In reality, the only thing worth saving from the hotel is the staircase, and I am advised that it is quite a work of art. I happen to know something about staircases because some years ago I owned a business in Victoria Park and my uncle, who worked with me as a tradesman, was an excellent craftsman and he built a number of staircases. Even in those days a person who could properly design and build a staircase was something of a rarity. So a well-made staircase like the one in question would be something worth seeing and retaining, particularly as it incorporates first-class jarrah—which would have been available when the hotel was built—and mahogany.

We have an interim heritage council and we are in the process of introducing a Bill to establish a permanent council. Indeed, I had hoped to have the final draft of the legislation for checking this afternoon—it may be in my office even now. There is still a chance that we can introduce it in this part of the session. However, that legislation will not contain authority to finance any proposition which the National Trust puts forward. I hope it will contain the mechanism whereby proposals put forward by the National Trust may be carefully examined and financed if considered, in all the circumstances, to be reasonable and in the interests of the nation.

A moment ago I said that in this particular building we are looking at the next primary school. To my knowledge we are in desperate need of four primary schools by the 7th February, next year, and I am endeavouring to obtain a further advance of funds to commence those buildings right now. If we retain the Peninsula Hotel, we can see that one of these schools will be chopped off the list of priorities. That is really the sort of housekeeping we are talking about. I am not putting this forward as a threat, but simply as a plain fact. My wife may tell me that she wants a new carpet and at the same time I may want a new motorcar. Members will be aware that my wife will get her carpet because we husbands always give way. This is a fact of housekeeping. If we can have both, we have both, but if we are in the situation where one must go, we know what happens! This is elementary economics as applied to housekeeping, and the rules apply with equal force to national housekeeping, unless we are foolish and purchase things we cannot afford.

I know the Federal Government tried to disprove this fact of economics over the last three years and we are now in a great deal of trouble as a result of it. Let us not go too far along that line.

The Hon. D. K. Dans: You would not want to debate that one, would you?

The Hon. A. A. Lewis: We will be in that any time.

The Hon. D. K. Dans: What about the McMahon Government?

The Hon. G. C. MacKINNON: The fact remains that the preservation of this building would cost us six teaching classes in an open primary school, or, we could say it will cost a continuing \$100 000 a year to run the hotel. We know that with the cost of maintenance and operating a school, we spend enough money to build another school every 2½ to three years.

To my mind the Swan Brewery is the one to suffer. I owe no tremendous loyalty to the brewery, but I think I should be fair. This is a company with an obligation to service its shareholders' investments—in other words, to pay a dividend. The brewery has adopted a very responsible attitude. It has submitted another proposition, which has been publicised, about the retention of the old brewery. It is rather odd that about two years ago I remember people saying the brewery ought to be closed down and we ought to bulldoze it.

The Hon. D. K. Dans: Who was ever stupid enough to say that?

The Hon. G. C. MacKINNON: I believe this comment was made a few years ago. I am sure Mr Dans can remember all sorts of people saying things like that.

What we will be establishing by law with this heritage council is a group of people who will be responsible to assess propositions put forward by the National Trust

and to balance the financial side of those propositions in order to say which project will proceed. Indeed, the National Trust has an extremely able representative on the heritage council in the person of the Clerk of this Parliament, Brigadier John Roberts, and we were very grateful that he was able to accept the position.

This morning I referred this matter to the chairman of the heritage council and although he was unable to seek the advice of his committee, he is singularly lacking in enthusiasm—as is everyone else to whom I have spoken—about retaining the building because of the cost involved and the possible return on the financial outlay.

Yesterday I spoke to a group about this matter and its members suggested busy bees. No-one in this Chamber who has been involved in community affairs over the years could have avoided involvement with busy bees. I doubt very much whether any of these people are not a little jaundiced in their view about the efficacy of busy bees.

The Hon. G. W. Berry: Busy threes!

The Hon. G. C. MacKINNON: That is an apt remark. I was intrigued by one proposition—and I am sure Mr John Williams found this intriguing—that the old hotel should be turned into a rest home for alcoholics. For anyone who falls by the wayside, it is significant that it is adjacent to the new tavern! When Mr Cloughton mentioned this one I am sure I caught a twinkle in his eye. The Government has one or two projects in hand—and Mr Warrenner would well know about these—which would suit the authority better than the Peninsula Hotel. I really think it is drawing a long bow to compare this hotel with the Fremantle buildings. However unwise the Fremantle people may be in the choice of the party which represents them, in the early days when they put up buildings, in the main, they put them up with grace and dignity; I believe everyone would recognise this.

The Hon. D. K. Dans: They had very few stoppages with the labour they were using.

The Hon. G. C. MacKINNON: That is a quotable quote. They had very good craftsmen in those days; these old buildings of Fremantle have a symmetry and style all their own. The people who have restored these buildings have done an excellent job; indeed, there are many houses in Fremantle which one would like to see saved.

The Peninsula Hotel is protected until the 10th June. I think it should be pointed out that the principal danger comes from the local authority, because if it goes to court and obtains a demolition order against the brewery, the agreement which has been made with the TLC will not be worth anything. This Bill should be directed at the local authority, not at the brewery.

The Hon. R. F. Claughton: It is not directed at the brewery but at the Government.

The Hon. G. C. MacKINNON: What the Bill really seeks to do is to prevent the brewery from proceeding with demolition. This Government established the Heritage Council and the Interim Committee on the National Estate became part of that body. It is operating now, albeit without the necessary force of legislation, and I believe we should not rush in with this sort of measure to protect one particular building for a period of time. I hope the House defeats the measure.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) (4.18 p.m.): I support the Bill introduced by the Hon. R. F. Claughton. I did not intend to speak until I heard the Minister's remarks. About all I was able to gather from his comments was that, firstly, he dislikes Leslie Anderson—

The Hon. G. C. MacKinnon: I do not dislike Leslie Anderson; I dislike what she writes.

The Hon. D. K. DANS: —and that week by week her journalistic ability goes down in his estimation and, secondly, under certain circumstances, and given a certain sum of money, from time to time he can be a fairly generous husband when his wife wants new carpets. Apart from that, the Minister's remarks did not contain a great deal.

Mr Claughton's aim is to provide some interim protection against the demolition of the Peninsula Hotel, and to provide for some extension of time. From what I have seen of the hotel, it certainly looks a fairly attractive building. I admit I have never been inside it but I have been told that it is worth preserving.

It is true that this argument has waxed and waned over a couple of years, but I do not think that is the criterion on which we should judge what happens to the Peninsula Hotel.

I refer members to the Fremantle Maritime Museum. In the past, the building has been used as an asylum, and as a billet area for United States Navy personnel during the war; and, in the post-war years, it was used by the Department of Post-War Reconstruction to train various tradesmen under the scheme that was in operation. After it was vacated it almost developed into a heap of limestone rubble; that is exactly what it looked like.

The late Sir Frederick Samson discussed the building with a gentleman from England who was visiting Fremantle and who told him the building was one of the finest examples of colonial architecture to be found anywhere in Australia. To the credit of Sir Frederick, he set the wheels in motion and the building was restored to its present fine state. From an old ladies'

asylum it turned into a maritime museum and, later, into an arts centre. I do not know whether members have taken the opportunity to visit the centre, but I will remember in the company of the Hon. R. J. L. Williams, hearing Dr Joan Battersby unashamedly say it was the finest centre anywhere in Australia. I have no way of checking that statement, but it certainly is an impressive centre.

The Hon. G. C. MacKinnon: It is internationally famous.

The Hon. D. K. DANS: Before it was restored, the building looked so bad that I thought we would be wasting money in restoring it.

The Hon. Clive Griffiths: We used to be frightened to walk past it when we were kids.

The Hon. D. K. DANS: Yes, I understand that the bogey men used to live there.

The Hon. N. McNeill: I believe there still is a ghost there.

The Hon. D. K. DANS: So they say.

The PRESIDENT: Order! I think it is time we returned to the Peninsula Hotel.

The Hon. D. K. DANS: I make these remarks in support of the proposal to restore the hotel, Mr President. Full marks to Sir Frederick Samson. From that point a great deal of restoration work has been carried out in Fremantle and there will be a great deal more. The people of Fremantle are aware of the need to attract tourists and visitors to Fremantle to support the businesses which have sprung up in the area.

I do not think it is quite right to say that because the wreckers have already been to the Peninsula Hotel and have removed certain things, we should not be bothered with trying to restore the building. Of course it will cost money.

The Hon. G. C. MacKinnon: Why should it?

The Hon. D. K. DANS: We should be concerned with preserving our past. Those buildings which are worth preserving should be preserved, and there are a number of people who believe the Peninsula Hotel is one such building. A country without history does not have very much going for it. Unless we understand the past, it would take a great deal for us to be able to orient ourselves with the present. The Minister mentioned that the staircase had been taken away and stored somewhere.

The Hon. G. C. MacKinnon: No, it has been taken down. Parts are still there, and other parts have been taken away.

The Hon. D. K. DANS: Yes, and stored in Fremantle.

The Hon. G. C. MacKinnon: That is the only place where the buildings are big enough.

The Hon. D. K. DANS: That is not quite right; I understand that part of the staircase has been stored in an old bakery. Unless the Government does something quickly I suspect it will be erected in one of the buildings being preserved in Fremantle.

I do not believe the Bill asks a great deal. It asks the Government to intervene and seeks to provide the Minister with some rights of extension. We must be realistic about this matter; if we reach the situation where no money is forthcoming, and no-one shows the required amount of interest in the building, the Minister will not grant an extension. The Peninsula Hotel has remained at this stage for a couple of years because the people who are interested in the building have not been able to raise the necessary money to restore it.

The Minister asked why the NEAT Scheme or the previous Federal Labor Government was not approached. That is history; the time has now arrived when the Government of today should make a decision on this matter. A decision should be made, even if it is only of an interim nature, and even if it does not involve the Government in any expenditure; I do not think that is asking too much; I do not think people who have an interest in old buildings like the Peninsula Hotel should be just cast aside as though they do not know what they are doing.

Two years is not such a long period; other issues have gone on for much longer. Perhaps because it is an old building, two years is considered to be the maximum period that is allowed before proceeding to a final decision. If support and finance has not been generated within that time, that will be the end of the road, and whether the building is 70 years, 700 years or 7 000 years old, the wreckers will move in.

If that is to be the criterion to be followed, there is not much future for the old York Gaol or the many other fine old buildings of Western Australia. Perhaps they are not all as gracious as those in Fremantle but nevertheless they represent a unique part of our past.

Even an old stone house in the southwest has some historical significance, because of the people who lived in it and contributed to the development of this State. It does not matter whether we are considering that type of building, or the internationally famous Round House at Fremantle; the principle is the same, and the approach of the Government should be in accordance with what is contained in this Bill. Our past should be preserved.

A building should not be judged on how valuable it is but on its historical value and its relationship to the surrounding area. It will be a sad day if this Chamber refuses this Bill, because it will discourage

similar efforts in the future by people who have used their energy and initiative in an endeavour to save the Peninsula Hotel.

I do not believe that granting the passage of Mr Cloughton's Bill will do a great deal. However, what it may do is engender some public-spirited citizens in our community to come forward with the necessary money—if the Government cannot do it—to ensure the Peninsula Hotel is not demolished but is restored to serve some useful function in our community while at the same time preserving something of historical value for the people of the State. I support the Bill.

THE HON. G. E. MASTERS (West) [4.28 p.m.]: I must reluctantly oppose the Bill, despite the fact that I believe Mr Cloughton's intentions are fair and firm. By passing this Bill, the Government will be accepting the responsibility of financing any restoration work to be carried out and, whatever the rights or wrongs of this particular case, I do not think we can afford it at this time. The Minister said that money was not a primary factor, but it is to me.

If we agree to this Bill, we will see headlines the following day stating, "Government intervenes in Peninsula Hotel dispute". This will indicate to the public that we as a Government accept financial responsibility for restoring the hotel.

I took the trouble this morning to inspect the Peninsula Hotel, both outside and inside. From the outside, it appears to be in quite good condition; only a small amount of work needs to be done.

Inside the building the picture is completely different. I noticed that a certain amount of demolition work had been undertaken, and as the Minister said, some parts of the stairway are quite valuable and worth preserving, but generally speaking I do not think there is much justification to expend the sum of money to which reference has been made; a figure of \$250 000 has been mentioned.

A report has been put forward by Mr John Pidgeon which suggests that the cost involved in restoration would be \$60 000. From my inspection of the building today I estimate the cost would be double that amount, because the condition of the building has deteriorated rapidly. I am talking about the building itself. I suggest that the proposed cost of \$250 000 will be exceeded, because at least \$150 000 of this will be required for restoration.

If the Bill is passed we will have to become involved in providing an adequate car park as required by the City of Stirling, to be shared with the tavern established on the same block.

The suggestion of converting this building into a community centre does not appeal to me in the least. I do not think it can

ever be used for this purpose. It has been suggested that the building should be altered drastically, but to do that would destroy the intention, which is to preserve the building as it stands. In my view this building could not be converted into a community centre. It has been designed as a hotel; it has one or two large rooms, and dozens of small ones.

As a museum it is quite possible to convert the building for this purpose. I pose this question: Should the Government be involved in guaranteeing or in expending \$250 000 at least on a building that has not been designed for the purpose for which it has been suggested it can be used in the future?

This building could not serve the purpose suggested by some people. It is wrongly located. In any case, with the expenditure of \$30 000 we could construct a new building designed by an architect for specific use as a community centre. I do not think that the argument to convert the hotel into a community centre has any firm basis, and for that reason I oppose this proposal.

Another aspect that worries me somewhat is if we do convert the hotel building into a community centre that area will be denied a proper community centre for many years to come; the people there would have to make do with a makeshift building.

If anyone has looked at the hotel site they will see that about 50 yards away on the opposite side of the road stands an old railway station; probably that building is as old as the Peninsula Hotel. I think in the near future many people will suggest that the old railway station should be knocked down and a new one built. In these matters things sometimes get out of balance. Often, the heart governs the head. For those reasons I oppose the Bill.

There might be a suggestion put forward that the building will be demolished; but in my view I do not think so. In our position as members of Parliament I do not think we should assume the responsibility for expending \$250 000 from public funds for the purposes specified.

THE HON. D. W. COOLEY (North-East Metropolitan) [4.34 p.m.]: I support the Bill, but not altogether for the reasons outlined by Mr Cloughton. I find myself in agreement with many of the things which the Minister for Education has said. However, I cannot see that the passing of the Bill will do any great harm. While I agree with much of what the Minister has said, it seems to me that he was not able to distinguish between the use of the building and its preservation. What the Bill proposes is to preserve the building as such, and to let it remain there until its historic value has been determined.

I do not think any other member in this Chamber has had more experience of the Swan Brewery than I have. In my experience of the brewery I do not think it would wish to pull the building down. At present it is under great pressure from the City of Stirling to demolish the building. I believe that the passing of the Bill will bring about what the Minister requires and will relieve the pressure from the Swan Brewery.

The Hon. G. C. MacKinnon: It would make me appear to be responsible.

The Hon. D. W. COOLEY: There has been much talk about Government expenditure on the preservation of this building. If such expenditure could be involved then the Bill would not be before the House, because a private member is not permitted to introduce a measure which imposes a charge on the Crown.

In my view the Government should play some part in the preservation of this building, which is located in my province. Pressure has been put on me to join the group which seeks to preserve the building. I will not join that group to preserve the hotel for the purpose which the group requires, because I consider it missed the bus over two years ago. After some discussions with the Swan Brewery I made an inspection of the hotel building externally and internally. From what has been indicated to me, some two years ago the Swan Brewery made an offer to certain people who wanted to use the building for community purposes; an offer was made to the effect that if they came up with the necessary finance and the wherewithal, the brewery was prepared to make the building available at a peppercorn rental.

Those people tried to raise the finance but failed. At a cost of \$1 000 the Swan Brewery erected a cyclone fence around the building to prevent vandals from destroying it. I think the Swan Brewery has done everything possible to preserve the building. I am sure the brewery does not want to pull it down. It is not fair that the brewery should have to bear the whole of the cost for preservation. The Bill will enable the Government to intervene and take the pressure off the Swan Brewery. The Minister is smiling.

The Hon. G. C. MacKinnon: I am highly delighted with your comments.

The Hon. D. W. COOLEY: Had the Swan Brewery knocked the building down some two years ago it would have saved between \$8 000 and \$9 000, because at that time the cost of demolition was \$5 000, but today the cost is \$13 000.

My province extends from approximately Nollamara in the west to Greenmount in the east, and from Beechboro in the north to Rivervale in the south.

The Hon. H. W. Gayfer: That is a pocket handkerchief province compared with others.

The Hon. D. W. COOLEY: That might be so. Among the thousands of buildings that are within my province the ones with historic value could be counted on the fingers of one hand. Why then should not the Peninsula Hotel be preserved? We are abdicationing our responsibilities as members of Parliament if we say without investigation the building cannot be maintained for historic purposes. I have been in many historic buildings in Australia and throughout the world. Many of them are not used for community purposes; some of them have been desecrated by tourists. They are retained for their historic value.

I think the Government will be failing in its duty if it allows a building which has some semblance of historic value to be destroyed. The Minister has said that they did not consider the building worth saving. I do not know what he meant when he used the word "they". Whoever put forward that view was not acting in accordance with the opinion of the National Trust. That trust has said that the Peninsula Hotel building has some historic value, and that ought to be sufficient reason for the Government to do something about preserving it.

The Hon. W. R. Withers: Why did you say tourists have desecrated these buildings?

The Hon. D. W. COOLEY: If the honourable member visits the Acropolis in Greece he will see how it has been desecrated by tourists. If the honourable member has been there and did not see this then he did not have his eyes open.

As I understand the position, the Minister has said that the heritage council will be given more power over the buildings it may preserve. This Bill will provide a breathing space and will enable the Peninsula Hotel to be held until that council can make a determination. If that council considers the Peninsula Hotel has no historic value and should be demolished, we could agree to its finding. However, at the present time there is some doubt. If there is some historic value in the building I do not think it should be demolished. If the City of Stirling has its way it will be knocked down; there would be no alternative if that local authority enforces its by-laws. I am sure the Swan Brewery does not want that to be done.

I conclude by saying that no harm will be done by the passing of the Bill before us. Its passage will be the means of providing a breathing space. I do not think the building should be demolished until we know that it has no historic value.

THE HON I. G. MEDCALF (Metropolitan—Attorney-General) [4.41 p.m.]: I have studied this Bill and listened to the introductory speech by Mr Claughton with great interest. I have listened carefully to the

comments of the Minister who participated in the debate and those of other members. However, I regret that I cannot support the Bill.

My reason is a fairly simple one. I have had a great deal to do with the preservation of historic buildings over many years, and I know that we cannot, out of the blue, say that we will preserve this or that building. We can look at a building and classify it; and we can say that a building is worthy of preservation, is part of our heritage, and is worth retaining for future generations. However, we have to find the means to translate such idealism into a practical concept; in other words, we have to be able to do effectively what we would like to do.

Many of us would like to do a lot of things, but unfortunately there are limitations of finance and limitations of opportunity. Furthermore, we have other pressing demands, and we have to take a responsible view.

Even before I became a member of the Government I realised that in the matter of preservation of historic buildings it was very commendable to classify them, but we still had to find a way of getting them to the stage of being preserved.

What I am about to say is relevant to the matter before us. Many years ago I was a member of a deputation which waited on the City of Stirling. That deputation comprised architects and a number of responsible people. I do not know why I was honoured, but that was before I became a member of Parliament. We endeavoured to persuade the City of Stirling to save a little cottage on a reserve which was vested in the City of Stirling.

The Hon. R. F. Claughton: It was Butler's Cottage.

The Hon. I. G. MEDCALF: We did not have any hope of persuading the City of Stirling to preserve it. We might as well have been talking to a brick wall. The outcome was a great shame. We spent a lot of time in trying to persuade the councillors, but they had no wish to preserve the cottage.

The councillors said, "The local people do not want to preserve it." Two councillors who represented the ward in which the cottage was located said, "Nobody in our street wants to preserve it."

So, the local people do not want the building preserved. How can the wishes of some other group, situated somewhere else, be imposed on the local people who are not interested in the preservation of the building? That was the situation regarding Butler's cottage, which was a lot older than the Peninsula Hotel and had some history attached to it. Within a day or two the bulldozers had knocked that building over, and that was that.

I realised that a local authority or local people—or anybody else—could be not forced to do things they did not want to do, in the interests of history or preservation, or anything else.

If a building is to be preserved provision has to be made for compensation. The particular group concerned has no means to provide compensation. Neither the City of Stirling, nor anybody else, has offered to pay compensation. One of the problems associated with the preservation of any building is that of compensation.

I give full credit to the fact that the Minister has indicated quite clearly that he is about to introduce to the House a heritage Bill which will, I believe, contain the principle of compensation, because without it the measure will not be worth the paper it is printed on. People cannot be expected to allow a property to be taken over by means of a preservation order—which is what this Bill is really saying—without the provision for compensation. That cannot be done without providing compensation. The question of compensation must come up, either for the delay in being able to use the land or for ultimately taking over of the land for public purposes.

Unless the Swan Brewery were to make a present of the property, in which case there would be no question of compensation, the matter will have to be considered. However, the Swan Brewery is a public company and I agree with the point made by the Hon. Don Cooley that the company has behaved very generously so far in enabling the situation to go on for a couple of years since the preservation of the building was first mooted.

In the preservation of any building local people have to be involved if the exercise is to be successful. I have been connected and involved with local committees which have been prepared to hold public meetings and put up some money. A process has to be set in train whereby those interested can put their money where their mouths are—so to speak. Funds have to be got from the public and people just cannot rely on Governments for those funds. Governments have so many pressing commitments that they cannot be expected to pay for everything. I am sure no responsible member would expect the Government to pay for everything which we are asked to pay for. We know that cannot be done. Therefore, the question of compensation is tremendously important. The Bill now before us does not mention compensation; that is left to the future.

My own view is that with regret I am unable to support the Bill. I believe this matter would best be left for consideration in relation to the heritage council.

THE HON. A. A. LEWIS (Lower Central)
[4.49 p.m.]: I appreciate the motives behind the introduction of the Bill but I

cannot go along with them because that would set a precedent by which we may hang ourselves in the future.

I agree with the Hon. Ian Medcalf that compensation is a most important matter. If I understood the Hon. Don Cooley correctly, the Swan Brewery offered the hotel to the local community so that it could do something with the building. However, the record of the local community does not look too good, because this matter has been going on for something like two years.

We now have a Bill before us virtually asking the Minister to take the load off the shoulders of the community. I do not believe that is on. The generosity of the Swan Brewery with regard to the old building is similar to what I have already observed in my own electorate. The Swan Brewery donated the Terminus Hotel at Bridgetown to the local community, but in that case the small community picked up the offer and turned the building into a community centre at its own expense. I have not seen any evidence of this occurring with regard to the Peninsula Hotel during the last two years. The community, in this case, has picked up the offer of the Swan Brewery, but has done nothing with the particular hotel.

I am inclined to disagree with the Hon. Gordon Masters. I believe hotels were built as community centres, and they can be used as community centres.

The Hon. G. E. Masters: It depends on what one is looking for.

The Hon. A. A. LEWIS: The Hon. Gordon Masters, being fairly smart, would be looking for something fairly flash costing in the region of \$300 000. If it is desired that the Peninsula Hotel should become a community centre the local community should be prepared to pay the piper.

During my lifetime, unfortunately, I have had three instances of this type of building thrust into my hands one way or the other. The Hon. Gordon Masters mentioned costs, but from my experience costings usually are about half the ultimate price. On every occasion that I have had contact with a building such as the one under discussion, and have tried to preserve it, the cost estimate has more than doubled by the time the venture has been almost completed.

If this Bill were passed, I wonder what would happen in six months' time. If the Minister grants an extension of six months, what will happen after that; will there be pressures for further extensions? I believe the people in the area have had sufficient time during which to show some willingness to do something with the hotel.

I am not critical of the introduction of this Bill, but it is up to those interested to make an effort to demonstrate that they

want to preserve the building. They should take up the cudgel for their community and provide some of the finance and put in some of the hard work which will be necessary in order to preserve the hotel.

With those few words I would like to say to Mr Claughton I am sorry that I cannot support the measure, because I believe he introduced it with the best of motives.

THE HON. H. W. GAYFER (Central) [4.53 p.m.]: When the Hon. Roy Claughton introduced this Bill and delivered his second reading speech I was inclined to support it because of my previous contact with similar buildings. As a matter of fact, I was still inclined to support the measure until the Hon. Don Cooley spoke. As a result of some of his comments, I started to have some doubts in respect of the matter. Those doubts were further heightened when the Hon. Ian Medcalf spoke.

I have been involved with the preservation of buildings in York. As was mentioned by the Leader of the Opposition, it is fair to say that at one stage there was quite a wrangle in the Town of York when the Historical Society, the Museum Trust, and various York societies tried to preserve the verandahs in the main street of the Town of York. However, on that occasion it was not the desire of the people of the town that they should be retained and they were pulled down. That is another question which involved the York Shire Council, as the elected body of that district, but I felt then that the opinion in respect of that matter, as expressed by the York Shire Council, should have been observed.

Again, I well remember debating the preservation of the Barracks Archway. I was one of those in the Legislative Assembly who did, in fact, vote for the preservation of the Barracks Archway, and for one reason only. That reason was that the Perth City Council voted in favour of its preservation by 21 votes to 19—I think it was. On that occasion I was in fact supporting the Perth City Council; not so much the principle of the local government, but the principle of the people it represented. I thought notice should be taken of that principle because I believe in the powers of local government.

In York the local governing authority is now definitely in favour of the preservation of some of the old world about us. The only reason for the preservation of old buildings, in the case of York, is to preserve the whole of the environment because it is unique. The buildings will be preserved not for the sake of the buildings, but for the sake of the town as a whole. In other words, York will become a notable town in Western Australia in its entirety; not for just one building, but for a multiplicity of buildings.

In the case of York credit should be given to the Historical Society, the National Trust, the York Society, and others. In the case of the Peninsula Hotel, the organisation which desires to preserve that building is flying a kite in spite of the wishes of the Stirling City Council. The demolition of the building has already commenced. I was interested in the Hon. Gordon Masters' remarks with regard to what the building would be used for if it were preserved. I think it would be wrong if the building were used as a business. I believe the construction of the building is not only not suitable for such a purpose, but could also suffer to a degree if it were not closely watched and preserved in its entirety.

I must admit I have not visited the Peninsula Hotel to inspect it, and it is possible that many members in this Chamber have not been to parts of my province to see those things about which I speak. Nevertheless, on the evidence placed before me so far, and because I believe in our history, I am afraid that at this stage as a result of the remarks which have been made I have changed my mind during the last 10 minutes and I cannot support the Bill.

Debate adjourned, on motion by the Hon. V. J. Ferry.

NATIONAL PARKS AUTHORITY BILL *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 9 put and passed.

Clause 10: Membership of the Authority—

The Hon. G. C. MacKINNON: I would like to draw your attention, Sir, to a typographical error on page 6, lines 23 and 24 of this clause. I refer to the passage "all of whom shall be appointed by the Governor" which at the moment is in the wrong place. Perhaps you could authorise the clerks to make the necessary correction.

The CHAIRMAN: I will authorise the clerks to make the necessary correction.

Clause, as corrected, put and passed.

Clauses 11 to 27 put and passed.

Clause 28: Powers of a ranger. "This Act" includes regulations and by-laws—

The Hon. A. A. LEWIS: In my second reading speech I asked the Minister to explain the words which refer to the ranger taking certain action if he feels he has reasonable grounds to suspect that an offence against this Act is about to be committed. I cannot understand how a ranger will know that an offence is about to be committed unless he is a mind reader. Perhaps the Minister could explain this.

The Hon. G. C. MacKINNON: This is not an uncommon provision; it is included in a number of Acts. For example a person may be found with a trap that he has set up to snare a certain species of bird which is protected.

The Hon. A. A. Lewis: Can you guarantee the bird will be caught?

The Hon. G. C. MacKINNON: Of course not; but there would be reasonable grounds for the ranger to suspect an offence is about to be committed. There is sufficient case law on this point and it is accepted by the judges. It is absurd that I should argue these matters when we have a barrister of renown in the person of the Attorney-General sitting behind me and I will ask him to explain the position to Mr Lewis.

The Hon. I. G. MEDCALF: I appreciate the commercial from the Minister! It is undoubtedly a fact that this provision is contained in a number of Acts. It must be borne in mind that a ranger or a fauna warden in a situation such as this must be prepared to prove in a court what his reasonable grounds were for taking the action he did, and having done so the court will then draw the inference that he did have reasonable grounds for taking such action. In other words the court may be the ultimate adjudicator.

To give an example of there being reasonable grounds of an offence being about to be committed we could cite the case of a person pointing a rifle at a protected animal. This would possibly constitute reasonable grounds for suspecting an offence was about to be committed. On the other hand it may be that an offence is not about to be committed, because the person pointing the rifle could be a ranger in disguise who is simply endeavouring to eliminate unwanted stock because there are too many of them eating the pasture. There would be an excuse for his action and the charge would be dismissed.

This does not alter the fact that the ranger would still have had reasonable grounds for suspecting an offence was about to be committed, even though the charge was dismissed. If the ranger could not adduce evidence that he was acting properly he would be liable himself to answer for his conduct.

The Hon. A. A. LEWIS: Despite the answers from the barrister of renown and the experienced Minister I think their explanations are shocking. They both dodged the question I asked as to how a man would know an offence was about to be committed. The Minister for Education waffled on and the Attorney-General talked about the matter being decided in a court of law. But what about the rights of the individual? Is he to be taken to court because somebody assumes he is about to commit a crime? I would be surprised if this is to constitute the rights of an individual who is in a national park.

The Hon. I. G. Medcalf: It is an offence so it must go to court.

The Hon. A. A. LEWIS: But the legislation would still put the public out, merely because this suspicion is in the mind of the authority or the ranger. It astounds me that two learned gentlemen should tell us they are prepared to see the public inconvenienced to this extent because the ranger thinks an offence is about to be committed.

The Hon. I. G. Medcalf: Do you think he should wait until the offence is committed?

The Hon. A. A. LEWIS: I think the words "about to be committed" could be taken out, because earlier in the clause we have the words "on reasonable grounds suspects that an offence against this Act has been committed".

We could draw an analogy with speeding, and say that we know that once the Minister for Education gets onto the South West Highway there is a fair chance of his speeding, so we should pick him up.

The Hon. G. C. MacKINNON: You have talked enough nonsense; why don't you sit down and let me explain.

The Hon. A. A. LEWIS: I hope the Minister's explanation will be better than the one he gave us previously.

The Hon. G. C. MacKINNON: I get a bit nonplussed with the honourable member's submission. He made two mistakes. He first referred to me as the learned gentleman, which is mistake number one. The only learned gentleman is Mr Medcalf, who is a barrister. I am a gallant gentleman because I fought in the war.

The Hon. D. K. Dans: You forget about the gallant rabbi.

The Hon. G. C. MacKINNON: He would be a clerical gentleman. The implication in Mr. Lewis' suggestion is that we are becoming a police State. The laws are laid down, but the way they are pursued is the difference.

The Hon. D. J. Wordsworth: But you could pursue them in the manner in which they are laid down.

The Hon. G. C. MacKINNON: That is so, but if members wish to argue with Mr Medcalf and the explanation he has given good luck to them. He has explained the situation very well. We have had this argument so many times previously in connection with someone being in a national park and the ranger having reasonable grounds to suspect that he is about to commit an offence and accordingly decides to take him in.

On many occasions people whose responsibility it is to exercise control over others in civilian or service life will take an action against a person who they think is about

to do something silly; because if that person were allowed to proceed he may commit an offence infinitely more serious. In those circumstances the officer would grab him and charge him with—

The Hon. A. A. Lewis: Running over a bunkhouse.

The Hon. G. C. MacKINNON: —some silly thing. This is a perfectly reasonable proposition. Members speak about the rights of the individuals. This is a complex problem of modern society. Remember that national parks are set aside for the enjoyment of the individual.

The Hon. S. J. Dellar: You wouldn't think so, with these restrictions.

The Hon. G. C. MacKINNON: I agree; hence the new Bill to make the situation better. We have restrictions to ensure that people may exercise their right to enjoy the national parks. If someone tries to prevent a person from exercising that right, he deserves to have the ranger intercede.

The Hon. Clive Griffiths: What about the rights of that person if he was not going to commit an offence?

The Hon. G. C. MacKINNON: The case would be thrown out of court.

The Hon. T. Knight: But his car may have been confiscated.

The Hon. D. J. Wordsworth: And the person who is doing this may have no qualifications. He could be an honorary ranger. This type of job is given out freely.

The Hon. G. C. MacKINNON: This is a new piece of legislation which has not yet been enacted. Last night I pointed out that Mr Wordsworth, with the best will in the world, was talking about the old legislation, and saying what will happen under this legislation.

The Hon. D. J. Wordsworth: I was sounding a warning in respect of the way in which the old legislation has been abused.

The Hon. G. C. MacKINNON: The warning has been noted.

The Hon. D. J. Wordsworth: I am also sounding a warning in respect of the proposed legislation.

The Hon. G. C. MacKINNON: Mr Jones told me last night that all the points brought forward have been noted. He said, "We have to make this legislation work." I have here a note which says all members can be assured that the comments made both in this and in the other place will be considered by the Minister when the recommendations of the EPA committees are put to him on this and other matters. Referring to Mr Cloughton's comments on local committees, the Minister said it is of interest to note that the Conservation Through Reserves Committee has made some recommendations along similar lines. Then he said this legislation must be made to work.

The Hon. T. Knight: It's a pretty rough way to make it work.

The Hon. G. C. MacKINNON: There is nothing rough about it. I suggest to some of the newer members that they read a lot of the legislation already on the Statute book. If they look at the Health Act they will see the sort of legislation which has kept this State one of the most free from disease in the world.

This is a perfectly normal phrase in legislation and I hope members will accept that explanation.

The Hon. I. G. PRATT: With due respect to Mr Lewis, it is not often he convinces me; but on this occasion he has succeeded. The confusion brought to this matter by the Minister asking the Attorney-General to comment, amazes me.

Mr Lewis says if a person is apprehended the case would have to go to court; so we have the position of an offence being committed simply because the warden thinks an offence was about to be committed. Therefore the offence may be entirely in the mind of the warden. How ludicrous can we get?

After hearing comments from other country members on the antics of wardens from time to time, I doubt whether we can necessarily assume that an apprehension will occur only if there are reasonable grounds; and we have not been told what are reasonable grounds. If we are to give this power to departmental officers we must assume they are infallible. I am not prepared to accept that anyone—a game warden or a Minister of the Crown—is infallible.

The Hon. D. W. Cooley: You will all be lined up and shot in a moment.

The Hon. I. G. PRATT: Perhaps we will hear from Mr Cooley in a moment. Certainly after an experience I had with a warden some years ago I do not consider they are infallible.

On that occasion I was travelling with a friend through a State forest. We were driving along the road towards my father-in-law's farm to do some shooting. We were apprehended by a person who was an honorary game warden, the local shire ranger and traffic inspector, and if my memory is correct he was also a fire control officer. He endeavoured to establish that we had committed a traffic offence, but was unable to do so. He then looked around to see what else he could come up with. He told us we were travelling through a State forest and asked us whether we had guns. We admitted that we did, and he demanded that we open the boot of the car. He inspected the guns and threatened to charge us, even though we were on the road and the Minister says it is all right to carry guns on roads in State forest areas.

I would hate to think whether or not I should be charged with committing an offence should be determined by the state

of mind of that person; he was out to get someone for something, and was very disappointed when he could not.

In my opinion it is most unjust to say that if a warden thinks a person is going to do something, then he has committed an offence. It is rather unfortunate that the Minister and the Attorney-General have dished this up to us as the reason we should support the clause.

The Hon. W. R. WITHERS: During the second reading debate I interjected while Mr Lewis was speaking and indicated I was in favour of the suggestion encompassed in this Bill. At the time I considered myself to be theoretically right, but after listening to the debate I now consider I was wrong.

The reason is that in theory the Minister is perfectly correct when he says if a person aims a gun in a national park this indicates he is about to commit an offence. However, in practice it would be fairly stupid for a person to be able to aim a gun at something without recognising that a ranger is in close proximity to him.

Therefore, in practice the ranger would not be able to say to that person, "You are about to commit an offence because you are aiming a gun at an animal" because the ranger would not be anywhere near the person at that time—no-one would be about to commit an offence in the presence of a ranger. By the time the ranger is able to get to the person who is about to commit an offence, the person would have already committed the offence and then, as Mr Lewis pointed out, as the offence had been committed the person could be charged. However, it would be most unlikely that any ranger would be able to prove in a court that an offence was about to be committed in the circumstances I have outlined. Therefore, I cannot agree with the clause.

The Hon. D. K. DANS: I am in two minds about this. If one accepts that this provision is wrong, then it would seem we should bring back most of the legislation that has been passed in the five years I have been here, because that would be wrong too.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. K. DANS: This type of legislation is being pushed onto the people in this country, day after day, by a succession of Governments. One of the decisions we must make is whether we want the ultimate freedom for the individual or whether society needs some kind of control.

The clause refers to "reasonable grounds". I argued this matter for a long time when we were discussing the Road Traffic Bill, because an officer of that authority can pull up a driver on reasonable grounds and if he finds the driver is not under the influence of liquor he

can just say he is sorry. I recall a member saying I spent an awful lot of time talking about pulling up persons who are not under the influence of drink; and if I am reading the Press correctly that is what is happening in country areas today.

I would be greatly opposed to this clause if it did not have the let-out that the ranger must take the person to court. I would hope that a police officer would have the right to arrest a person who is pointing a gun at me and is about to pull the trigger.

The Hon. I. G. Pratt: It is an offence to point a gun.

The Hon. D. K. DANS: No-one would argue with the provision in the law which enables a person to be arrested for loitering with intent. If a person is found in the courtyard of my house, with house-breaking implements in his possession, then I would like him apprehended; but perhaps members will say he should be told that he should not be on my property and led out the front gate.

What happens if a ranger finds a fellow sitting on the shore at Wellington Dam, and in the water there is a lot of chicken pellets and the fellow has a net? Is he there to catch marron?

Speaking with the best of intentions, I think the only way to deal with this clause is to remove it completely.

In those circumstances rangers would have excellent jobs; they could patrol around the park all day, could sing and dance or do anything they like because they would have no work to do. At least a ranger must have reasonable grounds, and we should define those grounds.

From time to time all kinds of people abuse power. Unfortunately we have no God-given prediction as to who will abuse power in any walk of life. If a court duly finds that reasonable grounds were not there and that the person was not going to commit an offence, that person will be discharged and other actions could take place for the recovery of loss of earnings or anything else that might occur. But not to have this clause in the Bill would make it completely ineffective in what it sets out to do. All kinds of legislation under which our society operates must be applied with a certain amount of common sense. From time to time we say that certain things are not right; it depends what area one is interested in, but I do not think we have yet become a totalitarian society in which a ranger or a policeman can arrest someone and convict him on the spot and collect the fine.

Notwithstanding what I have said, I believe that there would not be any reason to bring this Bill forward if a ranger had to actually catch someone snaring a possum, catching a gillie, or shooting something. Reasonable grounds would have to be proved in a court.

If someone were to move to get rid of that clause from the Bill I may be convinced to support it; but in that case we may as well throw out the whole Bill.

The Hon. I. G. MEDCALF: In years gone by I used to act for a lot of married women who were threatened by their husbands. They were having matrimonial trouble and in many cases they were in dire threat from physical assault. When these complaints were referred to the police, the police would invariably say, "There is nothing we can do, wait until he hits you." I am not aware that the police have changed their attitude in this respect, because they are constrained by the law. This is the cause of great concern to a lot of people because, although they have reasonable grounds for believing an offence is about to be committed, there is nothing they can do until the offence has been committed. There have been cases of murder in which it has been impossible for anything to be done until the offence is committed.

I think that is a bad situation and must be rectified, but every situation must be looked at in its own light. I do not agree with Mr Lewis in his comparison of this matter with a traffic offence.

The Hon. A. A. Lewis: You are bringing in wife beating. I would not interject but we have two sets of laws.

The Hon. I. G. MEDCALF: If the honourable member would not interject, he should kindly keep quiet. I mentioned wife beating because that is even more serious than an offence against fauna and flora in a national park, but the case which Mr Lewis has suggested is less serious. I do not believe that a policeman or a traffic inspector should have the right to arrest someone because he has reasonable grounds for suspecting that an offence is about to be committed. The situation with regard to traffic offences is a different story altogether, but we are not talking about traffic offences, we are talking about offences in connection with national parks which in every line of this Bill we are saying must be treated as an important heritage of the people of the State.

We must see that the flora and fauna are preserved for posterity, and I am quite sure that most of us would agree with that. Mr Wordsworth said that even an honorary ranger can act if he has reasonable grounds for suspecting an offence is about to be committed. That is not correct. The definition of a ranger excludes an honorary ranger. A ranger must be one of the persons mentioned in clause 27.

Mr Pratt may tell me that I am wrong, but I think that he mentioned even a bushfire inspector in this regard. There is nothing about bushfire inspectors in this clause. I suggest that members study the Bill a little more closely. They might then realise that this

matter is restricted to a ranger, who must be one of the people mentioned in clause 27, that the ranger must have reasonable grounds and that he may be tested in a court of law as to whether his grounds were reasonable.

If one examines the rest of the clause it will be seen that a ranger even has to make a statement before he does anything. He must communicate to the man whose gun is pointed at the kangaroo or the owner or person in charge of the vehicle, animal, conveyance, hut, tent, caravan, or other thing his intention to exercise the power and his reasons for believing that he has authority to exercise the power. He must make a speech. He must say to the man pointing the gun, "Excuse me, I do not know your name, but I am ranger so-and-so and I have reasonable grounds for suspecting that you are about to commit an offence. My reasons are A, B, and C, and I am going to take charge of your vehicle and take it to the nearest police station." If he does not do that he will be in trouble because all this will be brought out if somebody brings a case against him, or if somebody checks him.

Certainly this will happen if he runs into somebody like Mr Lewis when he is doing a bit of poaching. The inspector will have to know the contents of this clause because I am certain that Mr Lewis will not admit that he is committing an offence.

The Hon. A. A. Lewis: Mr Lewis never commits offences of that type.

The Hon. Clive Griffiths: I was interested to hear the Minister say that honorary rangers could not take action. There is a power of delegation from the director.

The Hon. G. C. MacKinnon: Not to honorary wardens.

The Hon. D. J. Wordsworth: Do you think this legislation is readable by the public? When you look at the fuctions of a ranger and an honorary ranger, it refers back to one clause.

The Hon. G. C. MacKinnon: The public are not debating it; you are, and you have the right to read it.

The Hon. Clive Griffiths: They have the right to comment on it too.

The Hon. D. J. Wordsworth: You will have to take a lawyer with you to go camping soon.

The Hon. I. G. MEDCALF: In answer to those points, may I say that the law is very complicated. I wish it could be simplified, and I think we should do everything to simplify it. But that does not alter the fact that we have to give certain powers to people to enforce laws or we might as well not have the clause in at all. Laws are sometimes expressed in complicated words, but the public does not have to read the Bill before they go poaching. One can commit an offence without reading the Bill. One might just as well

say that every Bill could be worded more simply.

The Hon. G. E. MASTERS: I think the discussion has been somewhat frivolous and I am not quite sure how sincere some of the members are. There is no doubt that an officer who is charged with the responsibility of looking after wildlife in these reserves has to have some sort of powers. In the past I was opposed to the entry of wardens onto private property, but this is a different situation. Quite simply the rangers are charged with the responsibility of protecting our reserves. If a ranger apprehends a man with a loaded gun or a baited trap, one could reasonably assume that he is up to no good in the reserve.

The Hon. G. C. MacKinnon: If he is bending over a prepared fire with a struck match on a day when no fire is to be lit in an area adjacent to a farm, one can reasonably suppose that an offence is about to be committed.

The Hon. G. E. MASTERS: We are talking about reasonable cause. I think wardens have to be very careful. If they continually overdid their powers they would be pulled up and would almost certainly lose their jobs. Finally, our attitude towards the protection of wildlife should be that two live birds in the bush are worth one in the hand.

Clause put and passed.

Clause 29: Honorary rangers—

The Hon. G. W. BERRY: What are the prescribed powers of honorary rangers?

The Hon. G. C. MacKinnon: The Minister has stated that they would not have the power of arrest that was referred to a moment ago. Their main job is to advise and to do modest policing work but not to institute court actions.

The Hon. Clive Griffiths: Is that in the Bill?

The Hon. G. C. MacKinnon: No, it is in the regulations and it has been stated specifically by the Minister.

A member: It does not matter what the Minister says.

A member has just interjected that it does not matter what the Minister says. I cannot recall one occasion in 20 years when something said by a Minister of any political persuasion has not been adhered to. Under the parliamentary system that we have it matters very much indeed what the Minister says. If any member knows of any such statement that has not been adhered to, he should bring it to my attention.

Clause put and passed.

Clauses 30 to 40 put and passed.

Clause 41: Regulations—

The Hon. A. A. LEWIS: Admittedly regulations can be disallowed in the Chamber, but I am extremely worried because when provision is made for regulations it is not very long before those ad-

ministering the Act feel they must do something about them.

Last night the Minister said that people driving from Manjimup to Walpole do not go through a national park; but they can if they wish to do so. They can go through Pemberton through the Warren National Park and then to Northcliffe. If they have alcohol in their possession, and these regulations are gazetted, they will be in trouble.

The Hon. G. E. Masters: Not if they are on the road, surely.

The Hon. A. A. LEWIS: There are tracks which are not gazetted as roads and they are part of the national park. These are some of the things to which insufficient attention has been given. I will not make a big issue of this point. Perhaps I should make an issue about subclause (3) and the use of boats and the foreshore. That will apply to others far more than it will to me. When we consider the safety procedure for 13-footers off the south coast, we are carrying things a little too far.

I would like the Minister's comments on the reason the authority, in its state of mind, is to make regulations on these matters.

The Hon. G. C. MacKinnon: It has probably become apparent to members by now that I recently purchased a 13-foot runabout which might become subject to regulations under the Bill!

The Hon. Clive Griffiths: But if you give an assurance no action will be taken, it does not matter what the Bill says.

The Hon. G. C. MacKinnon: Much of what Mr Lewis said is factual and common sense. When authority is given for the making of by-laws all possibilities must be covered. We can imagine that some people might think that a certain portion of a national park might not be a bad place in which to establish a sly grog shop. It could happen and did happen in the old days.

Again I repeat that a country does not become a police State by virtue of the laws on its Statute book but by virtue of the way those laws are administered. That is a fact.

Again I would recommend that the speech made by the Leader of the Opposition be read and studied. There are many things one would dearly love not to have on the Statute book, but I do not know how we could possibly do without them. If a road is gazetted and it runs through a national park it is not part of that park. If an ungazetted road traverses the park, it is part of the park.

The Hon. A. A. Lewis: Probably it would have a "road closed" sign at the end of it.

The Hon. G. C. MacKinnon: In that case the driver would do the reasonable thing and go around it. What would be the problem there?

The Hon. S. J. Dellar: It might be too far.

The Hon. G. C. MacKINNON: No statutory fines are involved. The warden cannot impose a \$100 fine. The case would have to go before a court and judge, and we accept that he is a reasonable person.

One could argue for hours about these matters on a philosophical basis, but there would be no point in doing so. We are trying to cover all types of national parks which may be established in the future, even those under water. I remember the first one of those we established was at the Abrolhos, but we have not had much experience in that regard and we would not know what sort of regulations would prove to be necessary.

Miss McAleer yesterday mentioned a point which had escaped me. She referred to the stealing of petrified pieces from the Pinnacles area. When we see some of the things people do we get depressed about the way human beings behave. We must have regulations for these circumstances, and they must be administered with discretion and common sense.

We have always the one overriding factor; that is, that if enough people are upset—and this applies equally in local government, another place, or here—then a candidate has a jolly good chance of being fresh out of sufficient votes to be returned to office. That is the beauty of our democratic system.

I recommend that the clause remains as it is. We all hope that the new approach to national parks will work, but we certainly should give it a go.

I wish to record that a telegram, addressed to all members of the Legislative Council was sent asking us to give serious consideration to certain aspects of the legislation. I advise members that all those aspects have been the subject of thorough discussion. One or two members were wondering why I spoke at some length when summing up the debate yesterday, particularly in view of the fact that all members said they were in favour of the Bill. I spent so long in summing up because of the telegram. I am grateful that these points have been referred to again today. I want this information recorded in *Hansard* so that those who sent the telegram will be aware of the fact that care and consideration has been given to the points they raised.

I hope the clause is passed as it is.

The Hon. R. F. CLAUGHTON: It is remarkable how one's attitude changes, depending on which side of the Government benches one happens to be sitting. I have very vivid memories of demands made by members of the present Government parties when they were on this side of the Chamber. They demanded that before legislation was passed the regulations be tabled or be made available so their precise nature would be known.

The Hon. G. C. MacKINNON: These will be tabled and subject to the normal disallowance.

The Hon. R. F. CLAUGHTON: Before the legislation is passed through Parliament?

The Hon. G. C. MacKINNON: Certainly not, because the authority must be established. That is not unusual. You remember the Noise Bill which was the particular baby of Mr Stubbs?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. G. C. MacKINNON: The regulations under that legislation were not tabled until 12 months after the legislation was passed, but we passed the legislation.

The Hon. R. F. CLAUGHTON: That was because all sorts of problems arose under that legislation, and I remember the debate on that Bill and the demand made that the regulations be made available before the legislation was passed.

The Minister was quite right in referring to the speech made by the Leader of the Opposition. This is the only sensible way in which the Government can operate. All sorts of regulations must be made because certain individuals will act against the public interest. At the same time, it is not uncommon for complaints to be brought to me concerning regulations and the restrictions and controls they impose on people who want to get away in a rural or country environment. For instance, such people can no longer stop when they have travelled a reasonable distance. If there are no caravan or camping facilities available nearby they must keep travelling, no matter how much further it is, until they reach a gazetted camping area. This creates great difficulties for people.

I hope that in the drafting of the regulations and the development of these reserves proper thought will be given to the travelling public; that is, those we hope will use the facilities. I trust that sufficient facilities will be made available within a reasonable distance one from the other so that unrealistic demands are not made on the travelling public.

The Hon. G. C. MacKINNON: So do I.

The Hon. R. F. CLAUGHTON: Those who wish to engage in boating or fishing activities also sometimes create difficult problems because of the damage they do to waterways and native flora. However, as a general rule boating and fishing enthusiasts establish a definite track which they always use. Of course, such tracks often become bumpy or boggy and then a detour must be created.

It is to be hoped that the wardens and the regulations under which they will operate will be reasonable so that those people who wish to make use of our national parks will not be unduly restricted. This is all they ask.

A great deal of concern is being expressed by people who are becoming more and more hedged in and who are finding it increasingly difficult to enjoy their particular recreations. However, I believe it is reasonable to support the Bill as it is. I agree that the way in which the Bill is administered will depend very much on the attitude of those responsible for its administration. It is quite possible that a form of dictatorship could be created.

The manner in which the regulations are administered depends very much on the tone of the administration by the Government. Whether it be the present parties or the Labor Party in government I believe in our society that is not the attitude of Governments, even though for party-political propaganda reasons one side or the other is accused of these things.

Clause put and passed.

Schedule put and passed.

Title—

The Hon. G. C. MacKINNON: I would like to make one more comment. Mr Wordsworth brought up this matter, and in the notes Mr Brian O'Brien has supplied to me he says—

The importance of the Bill to the southwest of the State has also been stressed. There is no question that the region is of very great importance to the tourist industry, and national parks should be provided and managed for that industry, for local residents and for conservation.

Several speakers have mentioned the importance of access to coastal areas and with this I completely agree. I am advised that recent meetings of officers of the Department of Conservation and Environment with local authorities, including the Esperance Shire Council have paid particular attention to this matter and I am confident that it can be resolved satisfactorily.

I wanted that incorporated in *Hansard* to ensure Mr Wordsworth knew the matter was under consideration.

The Hon. D. J. WORDSWORTH: I am glad the Minister raised this issue because the shire is very concerned about it and its recommendations were that national parks should not reach the waterfront but that access should remain along the beach so that it may continue to be used as it has been used for generations. I hope the national parks authority will take that into account.

The Hon. G. C. MacKinnon: Mr O'Brien agrees.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 6.03 p.m.

Legislative Assembly

Thursday, the 20th May, 1976

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

TOTALISATOR AGENCY AT LEONORA

Closure: Petition

MR. T. D. EVANS (Kalgoorlie) [2.17 p.m.]: I have a petition addressed to you, Mr Speaker, and members of the Legislative Assembly. It is signed by people at Leonora, and it calls upon the Government to restore betting facilities at Leonora following the closure of the TAB agency there recently, either by the reopening of that agency or the registration of an off-course bookmaker. The petition is signed by 126 persons and I have certified that it conforms with the Standing Orders of the House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

The petition was tabled (see paper No. 241).

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): For the information of the House, and in accordance with past custom, I propose to adjourn questions on notice until after the afternoon tea suspension.

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [2.18 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes amendments to the Mental Health Act, 1962-1973, to provide for approval of premises which are conducted as private psychiatric hostels for the accommodation and care of persons who are socially dependent by reason of a mental disorder. These premises cater for the needs of people who have received treatment in an approved psychiatric hospital and have been either discharged or placed on after-care. Under existing arrangements hostel proprietors are paid by the State a subsidy of \$1 per day for each approved resident accommodated.

Provision has been made for the production of audited financial records and balance sheets of private psychiatric hostels. These are to be supplied only if required, and it is envisaged they would be needed only in support of a claim for increased subsidy or where considered necessary in the determination of a complaint relating to a financial matter. It is not intended nor required, that financial returns be submitted on a regular basis.