In 1967, we amended the Fauna Conservation Act and constituted a board of 11 members. It was stated who they would be and that they would be appointed by the Minister. The important point is that the required number is stated. It is not necessary to do so but I think it will have a sobering effect—if I can put it that way—in relation to expenditure. Instead of having no idea how many people will be appointed to the board, we will know there will be seven, and the legislation sets out that their remuneration, expenses, travelling allowances, etc., shall be as the Governor from time to time determines. It will be much clearer what will happen in the conduct of the board.

That is the only comment I have to make. I suggest that between now and next week the Minister in charge of the Bill avail himself of the opportunity to consult with his colleague, the Minister for Lands. I have not put an amendment to this effect on the notice paper and I do not think I need to do so because it is a very simple amendment. One would need only to move the deletion of the words "such number of members as the Governor thinks fit to appoint" and insert in lieu the words "seven members appointed by the Governor". I now give notice that if the Minister does not move the amendment, I will. I hope he will find the suggestion acceptable and I support the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.52 p.m.]: I thank the Leader of the Opposition for his support of the Bill and his research. He certainly researches Bills and makes useful comments on them. Sometimes we do not like those comments, but on this occasion if he will allow the Bill to pass the second reading stage I will consult my colleague in another place and perhaps place an amendment on the notice paper. I think the suggestion is reasonable but, as it is not my Bill, I will consult with the Minister for Lands.

The Hon. A. F. Griffith: Do not commit yourself. I have seen what happened to you before.

Question put and passed.

Bill read a second time.

House adjourned at 5.54 p.m.

Legislative Assembly

Thursday, the 27th April, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

BILLS (6): INTRODUCTION AND FIRST READING

1. Iron Ore (Mount Bruce) Agreement Bill.
2. Iron Ore (Wittenoom) Agreement Bill.
3. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.
4. Iron Ore (Rhodes Ridge) Agreement Bill.

   Bills introduced, on motions by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

5. District Court of Western Australia Act Amendment Bill.

   Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

6. Traffic Act Amendment Bill (No. 2).

   Bill introduced, on motion by Mr. Bickerton (Minister for Housing), and read a first time.

PUBLIC SERVICE ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. J. T. Tonkin (Premier), and read a first time.

Second Reading

MR. J. T. TONKIN (Melville—Premier) [11.13 a.m.]: I move—

> That the Bill be now read a second time.

This is a very simple Bill which will not take long to explain. Section 52 subsection (3) of the Public Service Act, as it exists at present, provides—

> With the written consent of the Permanent Head the annual leave for recreation of an officer may, when the convenience of the Department is served thereby, be allowed to accumulate for not exceeding three years' entitlement.

Clearly it is not possible for an officer to accumulate leave beyond that period and therefore a conscientious officer whose assistance is needed at a vital time works on when he ought to be taking his leave. As a result he forfeits his leave. In consequence of this provision a number of officers have forfeited leave over the years. This has not been to suit their own convenience but to suit the convenience of departments and, particularly, Ministers. They were unable to take their leave within the prescribed period because their services were required. I do not know what others think, but I definitely believe this is an injustice and a conscientious officer should not be penalised because he works when he is required and he chooses to do that rather than go off on leave. It is no fault of their own that officers devote themselves unselfishly to their work, so why should they suffer what is indeed a severe penalty?

The purpose of the measure is to remedy this situation within limits. Where the permanent head of the department recommends, and the Minister approves, the measure, if passed, will enable this to be done. Accumulation of leave will be extended beyond three years, which is the present provision, and the measure will restore to officers concerned any accumulated annual leave entitlements, which may have lapsed under the existing provisions of the Act, as at the 31st December, 1971. The benefit of the second provision will apply only to officers who were still in the service at the 1st January, 1972. It will not be retrospective in such a way that payments will be made to people who have retired.

To make the position perfectly clear I say that there is no intention whatever to relax the general principle that officers should take their annual leave as it falls due. The aim of all departments will be that officers should take and enjoy their leave for the purpose for which it is provided. Cases have occurred from time to time, although not frequently, and are bound to occur in future, where it is simply not possible for an officer to take his leave. Let us consider, for example, the situation which recently obtained in the Mines Department where the Minister and his officers had been working long hours during the day, after office hours, and at weekends, to prepare the new Mining Bill. How difficult it would have been had the under-secretary of the department been obliged to go off on leave at a time when his services were most needed. Had he accumulated three years' leave, the only way in which his services could continue to be available to the Minister in the preparation of the Bill would have been for him to forfeit leave to which he was entitled. This sort of situation does not occur frequently, but it does occur sometimes.

The purpose of the amending Bill is to make possible, in cases where the permanent head recommends, an accumulation of leave beyond three years. This is, of course, provided the Minister approves.

Mr. Hutchinson: Does not that press somewhat on the principle on which leave is given?

Mr. J. T. TONKIN: Yes, I readily admit it does. Surely when considering the situation generally it is preferable that leave shall not be forfeited but allowed to accumulate in certain circumstances, because this does not happen very frequently. As it is, the officer, if he works on—as he will do if he is needed—does not get his leave. If under no circumstances a Minister would permit an officer to forfeit his leave, once the total amount of accumulated leave had been reached, the Minister would be forced to say, "Off you go and have your holidays and I will hold up the work of the department until you come back." This could well be at a time when a Minister urgently needs the services of that officer and really cannot do without him.

Mr. Hutchinson: I can see that point. I am thinking of the other angle—the health and welfare of the person concerned.

Mr. J. T. TONKIN: If the person concerned considers his health and welfare would be seriously affected, all he has to do is say to his Minister, "I am entitled to my leave, Sir. I am afraid for my health if I work on. I do not want to forfeit my leave and I think I should take my holidays." I cannot imagine any Minister under those circumstances would say, "You stay here and forfeit your leave." I think this aspect should be left to the officer concerned. The intention is to make provision for those cases which have occurred and will continue to occur in the future when very important work comes up and must be done and it is desirable that the officer should work on.

I will say I readily concede that no person is indispensable. I remember when Lord Kitchener was lost during World War I and it was felt Great Britain would suffer dreadful disaster because he had a grip of the whole war situation, but it went on just the same. The affairs of state will go on irrespective of changes in Premiers, Prime Ministers, or anybody else. Substitutes always come forward at the time. However, situations can occur in departments where certain men have been engaged exclusively on work the detail of which is not known to others, and a disruption of that work coming at an inopportune time could be a serious disadvantage. In such situations, where some special work is in the course of preparation, it is undesirable that the officer should go off on leave at that time. Perhaps a month or two later it would be quite opportune.

The purpose of this amendment is to meet an emergency situation, and the general principle will be safeguarded inasmuch as the additional leave cannot be accumulated unless, firstly, the permanent head recommends it, and, secondly, the Minister in charge of the department approves it. But, generally, there will be no relaxation of the rules which apply under the existing Statute.

Debate adjourned, on motion by Sir David Brand (Leader of the Opposition).

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.25 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase the proportion of their trust accounts which legal practitioners are required to deposit to the credit of the legal trust, and to authorise the trust to make interim payments on account of claims against the Solicitors' Guarantee Fund.

The parent Act passed during 1967 provides that every practitioner is required to deposit and maintain on deposit to the credit of the trust not less than the prescribed percentage of the lowest balance of his trust account occurring on any day during a financial year. This money, which must be deposited with the bank from which it is drawn, earns interest which can be applied for the following purposes:—

(a) in payment of the costs and expenses of the trust;

(b) to the guarantee fund established for the purpose of compensating persons who suffer pecuniary loss by reason of professional defalcation—these payments are required until the fund reaches the sum of $100,000 or an indemnity insurance for that amount is effected;

(c) as to 50 per cent. of the balance, to the Law Society for the establishment and maintenance of the Legal Assistance Fund; and

(d) as to the remainder, either to the Law Society to be applied as in (c) or in the furtherance of law reform, legal research, or legal education.

Currently the proportion which can be prescribed must not exceed 50 per cent.

Experience since the Act came into force on the 29th March, 1968, shows that it is possible to increase the maximum percentage from 50 to 65. The proposal for this increase, which emanated from the Law Society, has the general support of the legal profession and will not cause hardship to any person.

The other amendment was submitted by the legal trust, which administers the guarantee fund. Members are, no doubt, aware of the large defalcation by a practitioner in recent times. Some of the claims made will require considerable time to determine, as the trust is required to see that some claimants have exhausted every other remedy that may be available to them to recover their losses from other persons or sources. Until these matters have been determined, the trust is unable to fix the amount which will be paid in respect of each claim. Although it is possible to determine the minimum percentage that will be payable, the provisions of the Act prevent any action in this regard.

The trust therefore seeks power to make such interim payments as it thinks fit. This I contend and submit is a reasonable proposal which is in the best interests of those claimants whose claims have been accepted. The support of members to these proposals is recommended.

Debate adjourned, on motion by Mr. Mensaros.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.32 a.m.]: I move—

That the Bill be now read a second time.

The object of this Bill, as stated in the long title, is to abolish the Third Party Claims Tribunal.

The jurisdiction now exercised by the tribunal is to be returned to the courts. The Supreme Court will have concurrent jurisdiction with the District Court and the Local Courts. It is anticipated that most of the claims will be dealt with by the District Court, which is to be given unlimited jurisdiction in relation to all personal actions which make a claim for damages in respect of any bodily injury to a person caused by or arising out of the use of any motor vehicle. The problems of jurisdiction which are referred to later will be overcome by existing powers in the Supreme Court and District Court Acts providing for the transfer of actions between the courts.

The tribunal established under legislation enacted during 1966 is constituted by a legal practitioner as chairman, and two lay members. The present constitution of the tribunal is His Honour Judge Good and Messrs. J. F. Usher and C. Metcalf.

It was stated that the principal reason for the establishment of the tribunal was an endeavour to provide some consistency in the amounts of compensation awarded to persons injured in motor vehicle accidents. Achievement of this object was expected to assist the Motor Vehicle Insurance Trust in estimating the total amount of unsettled claims. It was also believed that difficulties being experienced by solicitors in advising clients whether or not to accept offers of compensation would

be overcome by the anticipated consistency of awards. Expeditious handling of claims was also expected by easy access to the tribunal with proposed minimum of procedures.

The Law Society and the Royal Automobile Club criticised the establishment of the tribunal on the ground that the proposal was wrong in principle and not justified for any good reason. This is still the view of the Law Society, which has approved of a submission by Mr. P. L. Sharp, Q.C., a leading barrister in the field of accident claims, recommending that the tribunal be abolished and the jurisdiction now exercised by that body be returned to the courts.

It is relevant to mention that the Law Society of this State, and indeed all law societies, have always been active in the field of law reform. Therefore, considerable weight should be given to their views, particularly when due regard is also given to their role as guardians of the rights of individuals in relation to the community.

The question as to whether one tribunal would be able to cope with the volume of work and thereby provide consistency of awards was raised when the legislation was before Parliament. These doubts have been confirmed as the need for assistance to the chairman became apparent in less than two years. The problem was overcome temporarily by empowering District Court judges to act as chairmen of the tribunal whilst the chairman was engaged on other duties for which he was empowered to act alone.

The arrangements set out in the previous paragraph provide only a short-term solution. The continual increase in the number of traffic casualties will make the appointment of a second division of the tribunal necessary if undue delays between the dates of setting down cases for trial and hearings are to be avoided. These delays have increased in two years from three months to eight months. At present the earliest date for which a hearing can be arranged is late October.

The establishment of a second division of the tribunal will, without doubt, reduce, if not destroy, the possibility of consistency of awards which was the principal object of the legislation setting up the tribunal. The tribunals will then be in the same position as judicial officers—they will have to rely on appeals against decisions as the basis for consistency.

The concept of consistency of awards is difficult to accept. Courts of high authority have repeatedly stated that every case is different even though similarity or similarities may seem to exist.

Experience has proved that the anticipated shortening of proceedings and lack of formalities are not possible. Proceedings are lengthened because there are three members of the tribunal entitled to ask questions and this right is frequently exercised.

The arrangement of a new date when a case is adjourned is much easier in the Supreme Court where a judge can arrange for one of his future cases to be transferred to another judge. This is not readily possible with the tribunal, which is fully committed for some months ahead.

Laymen frequently have a hazy idea of the true position when they speak of legal formalities. Quite often the formalities they have in mind are matters such as rules of evidence, which are designed to ensure a fair trial whether in a court or a tribunal. The Evidence Act and rules of evidence are in fact rigidly followed by the tribunal.

Mr. Sharp, Q.C., to whom I referred earlier, in his submission to the Law Society has drawn attention to the following difficulties and problems which have arisen since the introduction of the tribunal. With his consent I quote as follows:—

(1) Section 16E(1) of the Motor Vehicle (Third Party Insurance) Act provides *inter alia* as follows:—

> Subject to the provisions of section 16F of this Act where in respect of the death of or bodily injury to a person caused by or arising out of the use of a motor vehicle a claim for damages is made against the owner or driver of a vehicle or against the trust the tribunal has exclusive jurisdiction;

And I emphasise the word "exclusive." To continue—

> (a) to hear and determine all actions and proceedings making the claim; and
>
> (b) to approve or disapprove of any proposed settlement or compromise of a claim where—
>
> (i) a person under a legal disability is a party;
>
> (ii) or is entitled to the whole or part of the proceedings of any judgment that may be given in such action or proceeding; or
>
> (iii) the claim is made by, on behalf of, or against a person under a

legal disability but no such action or proceeding has been commenced.

The jurisdiction exclusive to the tribunal refers to the death or bodily injury caused by or arising out of the use of a motor vehicle. In practice, cases such as—and I quote these for the benefit of members who wish to examine them—the Government Insurance Office of New South Wales *versus* King 104 C.L.R. p. 93; Fawcett *versus* B.H.P. Products Ltd. 104 C.L.R. p. 80; and Government Insurance Office *versus* Green 1967 *Argus Law Reports* p. 106, show that a fine line may exist as to whether the vehicle was being used at the time within the meaning of the Statute.

In an action brought by the tribunal in circumstances where, before the creation of the exclusive jurisdiction of the tribunal, the plaintiff would have been entitled to a judgment against the defendant, the plaintiff may fail completely because the case is of such a type that it does not fall within the jurisdiction of the tribunal.

Take, for example, a case where, prior to the institution of the tribunal, the plaintiff sues for personal injuries, arising out of the use of a motor vehicle, in the Supreme Court and recovers judgment against the defendant. If the defendant is an insured under the Motor Vehicle (Third Party Insurance) Act, the plaintiff would be entitled to recover the judgment from the trust; but should the defendant not be an insured the plaintiff would still have and be able to enforce judgment against him, and indeed the defendant may well have some other form of insurance or assets to meet the judgment.

In practice there are cases where it is doubtful whether the injuries complained of arose out of the use of a motor vehicle, which puts the plaintiff in a dilemma because if he sues in the tribunal and fails on the jurisdictional point he will be liable for costs, not because the defendant was not negligent but because the facts are held not to show that the injury arose out of the use of a motor vehicle within the meaning of the trust Act.

The very fact that there are cases that have gone to the High Court over this problem shows that the problem is a real one and not academic; for example, a person's hand being crushed by the door of a stationary vehicle, or the driver of a motor vehicle stopping a vehicle and attempting to remedy a defect, causing an explosion in the carburettor.

I pass now to consider problems arising under master and servant actions. There are many cases which occur where the injury arose out of the use of a motor vehicle; for example a mobile crane, in which an employee sues the master.

The tribunal has exclusive jurisdiction when this occurs. It certainly was never intended that master and servant situations should be heard by the tribunal. There are also cases in which there are a number of factors which have caused the plaintiff's injuries in the course of his employment. One of these factors may be a motor vehicle—for example, a crane—and another may be a combination of factors; namely negligence, negligence of the repairer, negligence in the design of the equipment, or an unsafe system of work. The plaintiff, not being certain which defendant is liable, is faced with the prospect of being involved in a multiplicity of actions and in danger of incurring substantial costs. Being fearful of this prospect, he may accept workers' compensation instead of proceeding to recover a greater sum by way of damages.

It is not beyond the realm of possibility that a plaintiff who brings an action against one defendant who is within the jurisdiction of the tribunal and against another defendant in the Supreme Court—both actions arising out of the same set of facts—could fail in both actions, the tribunal holding that the defendant before it was not negligent upon the admissible evidence before it and at the same time the Supreme Court holding that the defendant before it was not negligent for the same reason.

There is no procedure provided by the Motor Vehicle (Third Party Insurance) Act to transfer jurisdiction from the tribunal to the Supreme Court. Section 16E(3) provides that no proceedings before the tribunal shall be restrained by injunction, prohibition, or other process of law, or be removed from the hearing of the tribunal by any such process. It does, however, give the right to a party to an action who was not the driver, person in charge, or owner of the motor vehicle, to apply to a judge to have such issues in that action as he may direct heard and determined by a court instead of the tribunal.

This section, however, has provided nugatory assistance in the general run of cases because—

(a) it applies only to a limited number of persons; and

(b) unless that individual can be sued in the tribunal, there is no ground to apply to a judge to have such issues heard and determined by a court.

It is to be noted that the jurisdiction exercisable by a judge refers to issues only.

The tribunal, as opposed to the Supreme Court, has no power to grant injunctions nor can the tribunal order a stay of action in the Supreme Court; and likewise the Supreme Court cannot order a stay of action in the tribunal; but there are cases where a stay may be necessary to serve the ends of justice.

In the case of the plaintiff who wishes to sue the driver of a motor vehicle as well as a push cyclist—or for that matter a pedestrian—on the grounds that the injury of which he complains was caused by the negligence of them both or either one of them, problems arise as to jurisdiction because only one defendant, the driver of the motor vehicle, can be sued in the tribunal. Two separate actions may therefore be called for, whereas prior to the institution of the tribunal one action alone would have been required. This problem is also applicable to the case where a passenger in a motor vehicle is injured or loses his life as a result of the negligence of either the driver of a motor vehicle or the owner of livestock wandering on the road with which the vehicle collides.

It is well known that there are many vehicles on Western Australian roads which are insured in other States and, accordingly, comply with the requisites of the third party Act of this State. If a driver of a vehicle insured in another State is sued and is unable to obtain an assurance of indemnity from his own insurer, he cannot join such insured in the action in the tribunal but must go to the expense of separate proceedings.

I now pass to consider briefly the claim for damages to property and personal injuries. This necessitates two separate actions which can result in two different findings as to liability and, in turn, may result in an issue estoppel which is unnecessary, frustrating, and expensive. Litigants may also ponder why it is that where a motor vehicle is extensively damaged the litigant may claim damages in the Supreme Court before a judge; but in the case of his injuries resulting from the same accident he is called upon to litigate in the tribunal, a court of much lower status.

I will now deal with insurance companies claiming indemnity under section 18(3) of the Workers' Compensation Act. The relevant provisions of section 18(3) of the Workers' Compensation Act provide as follows:—

> If the worker has recovered compensation under this Act the person by whom the compensation was paid shall be entitled to be indemnified by the person so liable to pay damages as aforesaid and all questions as to the right to and the amount of any such indemnity shall in default of agreement be settled by action in any court of competent jurisdiction.

The instance when this section arises in a practical way is where an employer has paid compensation to the eldest child where the child's father was killed by a negligent tortfeasor in the course of his employment, such tortfeasor not being a fellow employee. The widow and other dependants claim damages under the Fatal Accidents Act against the negligent tortfeasor. The employer, having paid his workers' compensation, then sues the negligent tortfeasor for indemnity.

Although the question is not completely free from doubt the claim for indemnity must be brought in the Supreme Court, but the right to indemnity is destroyed once the fatal accidents action is either compromised and the defendant satisfies such judgment or, alternatively after hearing, the judgment is satisfied, as there is no longer a person liable to pay damages. The authority for this decision is to be found in the case of Waston *versus* Newcastle Corporation, recorded in Vol. 106 of the *Commonwealth Law Reports* p. 426.

The insurance company with a right to indemnity is faced with an action in the Supreme Court, whilst at the same time, in another jurisdiction, the widow and the remaining children are proceeding with an action for damages, which action cannot be stayed. Nor is it necessary for the widow to institute a claim as the action may be finalised by way of summons approving a compromise without any notification to the workers' compensation insurer.

It has to be remembered that the Supreme Court has no jurisdiction to grant a stay of action in the tribunal, nor can the tribunal grant an injunction. It is therefore necessary for the employer to apply to the Supreme Court for an injunction restraining the defendant from paying the judgment of the tribunal to the widow.

These problems are real and provide a sound reason for the decision to return the jurisdiction to the courts. Recently the question of jurisdiction was argued before the Full Court which invited the Solicitor-General to appear in the role of *amicus curiae*. Whilst the matter was determined in the claimant's favour, it is essential to point out that a judgment against him would have involved him in payment of substantial legal costs. In any event, the legal costs involved and the time spent by the court would have been unnecessary had the tribunal not been established.

The decision to abolish the tribunal has received full consideration, and it is believed the proposals are in the best interests of all parties involved in motor vehicle accidents.

I welcome the support of members to these proposals which I thoroughly recommend.

Debate adjourned for one week, on motion by Mr. W. A. Manning.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.57 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide for adjustments of pensions payable to judges and their widows.

Presently the rate of pension is fixed according to the salary payable at the date of retirement or death of the judge. There is no provision for any adjustment as is the case in respect of other pensions payable by the State. As the State has accepted the need to review pensions from time to time, it is just that the same entitlement should be available to members of the judiciary.

Sir David Brand: They are not all on the same conditions, of course.

Mr. T. D. EVANS: For the information of members, pensions are payable currently on the following basis:—

(1) Where a judge who has attained the age of 60 years retires after serving as a judge for not less than 10 years he is entitled to a pension at a rate equal to 50 per cent. of his salary.

(2) Where a judge, not being a judge to whom subsection (1) of this section applies, retires and the Minister certifies that his retirement is due to permanent disability or infirmity he is entitled—

(a) If his retirement occurs before he has completed six years' service as a judge to a pension equal to 30 per cent. of his salary; or

(b) In any other case to a pension at a rate equal to 30 per cent. of his salary and at an additional rate of 4 per cent. of his salary for each complete year of his service as a judge in excess of five years of such service but so that the rate of his pension shall not exceed 50 per cent. of his salary.

It is proposed to provide that pensions payable to judges are to be adjusted in a manner similar to that laid down by subsection (4a) of section 46C of the Superannuation and Family Benefits Act, which reads as follows:—

The Treasurer shall, not later than the thirtieth day of June in each year, commencing with the year nineteen hundred and seventy-one, determine that the State share of pensions, or the State share payable in repect of certain units of pensions, payable to former contributors who retired on or before the thirty-first day of December in the year that is two years prior to the year in which the determination is made, shall be increased by such amounts or at such a rate or rates, as are specified in such determination.

It would be relevant to mention that as judges do not have to retire until attaining 70 years of age, the probable liability on the Treasury is much less than in the case of officers who retire at 65.

The proposal, which is a reasonable one, is recommended for favourable consideration by members.

Debate adjourned, on motion by Sir David Brand (Leader of the Opposition).

DISTRICT COURT OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.02 p.m.]: I move—

That the Bill be now read a second time.

The Bill is necessary to complement the measure to abolish the Third Party Claims Tribunal.

The opportunity has also been taken to deal with some other matters mainly of a procedural nature. It is proposed to increase the civil jurisdiction of the court from $6,000 to $10,000. Since the Act was passed in 1969 changes in money values warrant an increase in this amount.

The success of the District Court is recognised by all parties who are involved in matters coming within its jurisdiction. The court has been an important factor in providing litigants in this State with ready means to have their matters determined.

This State is in a particularly sound position in respect of the time required to obtain dates for hearings. It would be a sorry day if the long delays which exist in other States were to be encountered here. The saying that justice is sweetest when it is fresh is only too true, and every effort must be taken to ensure that result.

A recent amendment to the Supreme Court Act provided that interest on judgment debts shall be determined at such rates as fixed by the Treasurer from time to time. A similar amendment is to be made in respect of judgments of the District Court.

Some doubt exists about the power of the court to make rules for the registrar to transact business and exercise such authority and jurisdiction of the court, as is possible in respect of the Master of the Supreme Court. The efficient and economical working of the court makes it desirable that the registrar be empowered to do such things as are provided for in the rules of the court.

The Bill is recommended to members for their favourable consideration.

Debate adjourned for one week, on motion by Mr. W. A. Manning.

PREVENTION OF EXCESSIVE PRICES BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Taylor (Minister for Prices Control), and read a first time.

Second Reading

MR. TAYLOR (Cockburn—Minister for Prices Control) [12.07 p.m.]: I move—

That the Bill be now read a second time.

This legislation has been prepared by the Government and presented to Parliament as a result of the previously declared election policy of the Government to legislate for the control of excessive prices. It is, in effect, a companion Bill to the consumer protection legislation which was passed previously.

At the outset I think it would be of some benefit if I briefly trace the history of price control in Australia. From the outbreak of war in September, 1939, to September, 1948, prices in Australia were controlled by the Commonwealth Government under defence powers with the objects of maintaining economic stability and ensuring orderly transaction from wartime to peacetime conditions.

The National Security Regulations provided for the appointment of a Commonwealth Prices Commissioner with very wide powers to control prices of goods and services declared for that purpose by the Minister for Trade and Customs. The definition of "service" was very extensive and could be further extended by the Minister.

The Prices Commissioner made price orders under the regulations and deputy prices commissioners nominated in the respective States administered the regulations under the commissioner's supervision. Rigorous control was exercised within a framework which sought to check inflation and prevent profiteering without unduly discouraging essential production and trade.

In September, 1948, the Federal Government ceased administering price control and the State Governments assumed responsibility in this field. Since September, 1948, prices in New South Wales have been subject to control under the provisions of the Prices Regulation Act 1948-49. Under the Act the Minister may declare any goods and services to be subject to control and may remove or reimpose controls on any item. The Prices Commissioner is empowered to fix the maximum prices at which declared commodities and services may be sold or supplied, and to investigate the price of any goods or service whether declared or not.

General control of prices in New South Wales was progressively modified after 1952 and suspended in 1955. Controls were temporarily reintroduced on a limited range of goods and services between 1955 and 1956. Control on bread was reintroduced in December, 1957, and on motor spirit in May, 1959, and maximum prices for these commodities have since been set by the Prices Commissioner. Many other commodities and services remain declared under the Act, but maximum prices are not fixed for them.

Milk, gas, electricity, coal prices and rents are subject to control under other Acts.

Under its Profiteering Prevention Acts, Queensland has had price control machinery since 1920. The current legislation—the Profiteering Prevention Act, 1948-59—follows the same pattern as the New South Wales Act except that a Prices Advisory Board consisting of the Under-Secretary of the Department of Labour and Industry, the Commissioner of Prices, and an officer of the Department of Agriculture and Stock is established. The functions of the board are to advise the Minister with respect to the principles to be used by him in setting maximum prices or rates for declared goods and services.

At the moment no prices are controlled by the Commissioner of Prices, but the legislation has not been repealed and controls could again be imposed at any time.

In South Australia a system of price control over goods and services is still maintained under the Prices Act, 1948-70, which empowers the Governor to declare by proclamation that any goods or services shall be declared goods or services or shall cease to be goods or services for the purposes of the Act.

Under the South Australian Prices Act the Minister may, by order, fix and declare the maximum—and in some cases the minimum—prices or rates at which goods or services can be sold or supplied throughout the State or in any part of the State.

The South Australian legislation also provides for the appointment of prices advisory committees to make recommendations to the Minister on such matters arising under the Act as are referred to them by the Minister.

I understand that there is no price control legislation currently on the Statute books in Victoria and Tasmania, although two attempts to introduce prices legislation during the past two or three years in Tasmania have not been successful.

It is not intended that this Bill will be used to apply an "across the board" or "blanket" price control policy but rather,

as its title suggests, to provide ways and means by which consumers may be protected from apparently excessive rises in prices of goods and services.

The Bill does not empower the fixing of minimum prices, but deals only with the fixing of maximum prices and rates as it was considered that the fixing of minimum prices was unnecessary in the light of today's climate.

It is felt that the existence of this legislation could well have the effect of acting as a curb on price rises in that manufacturers of goods and suppliers of services will be aware that they could well be called on to justify any rise in price.

The Bill provides for—

(1) The establishment of prices advisory committees.

(2) The appointment of a prices commissioner.

(3) The selective regulation of prices and rates.

(4) The enforcement of maximum prices and rates as may be set.

This Bill will not affect and cannot be applied against any prices or rates made under the following Acts:—

Dairy Products Marketing Regulation Act, 1934

Electricity Act, 1945

Hospitals Act, 1927

Marketing of Eggs Act, 1945

Metropolitan Water Supply, Sewerage, and Drainage Act, 1909

Milk Act, 1946

Rights in Water and Irrigation Act, 1914

Taxi-cars (Co-ordination and Control) Act, 1963

Transport Commission Act, 1966

Wheat Industry Stabilization Act, 1968

Wheat Products (Prices Fixation) Act, 1938

or any other prescribed Act. In other words, it covers only those commodities or services not already catered for.

The Governor may establish one or more price advisory committees as considered necessary to advise the commissioner as to whether maximum prices should be fixed and declared or continue in force.

A committee so established will also be required to investigate any matters which the prices commissioner may refer to it, and may on its own initiative investigate any matter within its terms of reference.

A committee so established shall, upon the request of the Minister, or if it considers it is in the public interest to do so, submit a report to the Minister on the results of its investigation and include any recommendations which it considers necessary or desirable. Any such report submitted to the Minister shall be laid before each House of Parliament as soon as practicable after the receipt of the report.

An important qualification in the Bill then directs that the functions and obligations of the committees, as just outlined, will relate only to the goods or services for which they were established.

A committee when proposing to investigate any matter referred to it by the Minister or prices commissioner, may, and shall if required by the Minister, publish a notice in the *Government Gazette* specifying—

(a) the subject matter of the investigation

(b) the manner in which any interested person may apply to be heard or give evidence.

If such notice is published in the *Government Gazette* it shall also be published in any other manner considered desirable to bring it to the notice of the public.

Such a committee when carrying out an investigation may authorise one or more of its members to conduct the investigation, and to hear the evidence. A committee may also request the assistance of the prices commissioner in the conducting of an investigation.

The members of all committees shall be appointed by the Governor and shall consist of a chairman and equal numbers of trade and consumer representatives who shall hold office for such periods of time as fixed by the Governor. A meeting of a committee cannot be held unless the chairman and at least one trade and one consumers' representative are present.

All members of a committee, excluding the chairman, have a deliberative vote and any recommendation of a committee must be supported by a majority vote of its members. In the event of a tied vote the chairman may exercise a casting vote or adjourn the matter for consideration at a future meeting of the committee.

Where a vote is taken on any matter before a committee meeting and all the trade representatives present vote in a certain way and all the consumers' representatives present vote in the opposite way, the vote shall be considered to be equal.

Provision is made for the conditions under which committee members shall be deemed to have vacated office. Other clauses providing for remuneration and leave of absence for committee members are included in the Bill.

Clause 10 of the Bill provides for the appointment of a prices commissioner, who may either be appointed by the Governor for a term not exceeding seven years or, alternatively, he may be appointed under the Public Service Act, 1904.

The commissioner will have only the powers and duties specifically given to him by the Bill. For administrative purposes he will be subject to the control of the Secretary for Labour as his permanent head and of course beyond that to the Minister.

Officers appointed to assist the commissioner shall be appointed under and subject to the Public Service Act, 1904.

Amongst other functions the commissioner is obliged to furnish to a committee or committees any information obtained by him in the execution of the provisions of the Bill or in the exercise of his powers under the Bill.

The commissioner by publishing an order in the *Government Gazette* may fix and declare the maximum price or rate at which any goods or services may be sold or supplied either generally throughout the State or in a specified area within the State. In explanation, he could set a price for, say, the north-west, or some other specified area.

The methods by which the commissioner may fix and declare maximum prices and rates are clearly indicated in clause 12 subclause (2) of the Bill. Amongst these methods is provision for prices to be fixed and declared on a basis conditional on specific circumstances which may be set by the commissioner. For example, the commissioner may fix a price and provide for a variation of that price in the event of an increase in wages, salaries, or production costs.

However, the commissioner cannot fix and declare a maximum price of any goods or services unless—

(a) the goods or the service are, or have been the subject of an order previously made and published in the *Government Gazette;* or

(b) a committee has advised the commissioner that a maximum price or rate should be fixed and declared; or

(c) the Minister has published a notice in the *Government Gazette* specifying those goods or services on which the commissioner may fix and declare a maximum price or rate.

It is provided in a further clause that the commissioner may fix a maximum undivided remuneration for a transaction that involves both the supply of a service and the sale of goods.

It is further provided that any order published by the commissioner may be amended, revoked, or varied by any subsequent order of the commissioner, and may be suspended, extended, or modified by the Minister publishing a notice in the *Government Gazette.* In the event of such action being taken by the Minister the commissioner shall not make any further order in respect of the goods or service which were the subject of the notice unless he has the consent of the Minister.

The commissioner is obliged to publish a list of goods and services subject to control in the *Government Gazette* in June of each year and at any other time as he considers desirable. Any such list published must include the date on which the order relating to the goods and services was published.

With regard to the powers of the commissioner, it will be an offence under the Bill for any person to sell, or offer to sell any controlled goods or service at a price greater than the declared maximum price. If controlled goods are sold, or offered for sale, at a price in excess of the fixed maximum by a person on behalf of another person then that other person will be deemed to have contravened the prices order, unless he can satisfy a court that the transaction, or offer, took place without his knowledge, and that he had genuinely endeavoured to ensure the observance of the provisions of the Bill.

The Bill defines an "offer" as a published statement, exhibited price, price list, or quotation given by a person selling the goods. It will also be an offence for a person knowingly to pay or offer to pay a greater price or rate for declared goods or services than that which has been fixed by an order of the commissioner. Likewise, it will also be an offence for any person who, in relation to an agreement for the sale of any controlled goods or services, offers or accepts goods less in quality or quantity than that of the goods purported to be sold.

Then, in the Bill, there follows a series of clauses designed to inhibit circumvention of the direction of the commissioner. Likewise a person shall not, without the written consent of the Minister, effect any alteration in the mode of packing, recipe, or formula, or manufacture any controlled goods at an inferior quality to that which applied immediately before date of fixation.

If a person sells or offers for sale controlled goods or services with any other goods or services, whether controlled or not, he must separately specify the price or rate of the controlled goods or services.

The Bill gives the commissioner power to prohibit a person or persons engaging in transactions involving controlled goods or services if he is satisfied that the transactions are aimed at usurping the provisions of the Act.

No person having possession of controlled goods or services for sale shall refuse to sell those goods or services at the fixed price. It will also be an offence for any person to sell controlled goods and services conditionally upon other goods or services being purchased. A penalty of $500 is applicable against any person or persons who contravene any of the provisions just outlined.

Certain powers, somewhat similar to those in the Consumer Protection Bill, and agreed to by the Parliament, are made available to the commissioner to assist him in his deliberations. The commissioner, or a duly authorised officer, in carrying out his duties relating to investigations and inquiries may, under this legislation, require any person to give him information and answer any question put to him and he may require such information to be given orally, or in writing on oath, affirmation, or statutory declaration.

The commissioner may by written notice require the production of any documents relating to his investigations or inquiry, and he may at all reasonable times search any premises, inspect any documents, take samples of any goods, and inspect any service carried out on the premises. The commissioner may make a copy of any document inspected by him, and subject to his certifying it as correct may present it to a court as valid evidence of the original.

On the other hand, and to assist the prevention of abuse of these powers, the following provisions are set out. In the event of an authorised person entering premises he must show a signed authorisation by the commissioner. The commissioner, when entering premises, must present a signed authorisation from the Minister.

A person is not obliged to answer any question unless he has been advised by the commissioner that he is required, and obliged to do so, under the provisions of the Act. A person may not refuse to give any answer or information requested on the ground that it may incriminate him. However, the information obtained is admissible only in proceedings taken for an offence under this Bill and cannot be used in evidence for offences not related to the Bill.

Penalties relating to these provisions are as follows: Any person refusing to give information, answers, or documents, or who gives false information, is liable to a penalty of $200. The same penalty applies to any person who prevents, or attempts to prevent, or obstructs the commissioner, or an authorised officer, from entering premises.

Any person who can show that he had not been informed under the Act, to give information or answer questions or produce documents, can use this as a defence in any proceedings taken against him under the provisions of the Bill.

This Bill also gives the commissioner, or an authorised officer, power to require by notice in writing, any person to submit a return outlining specified details of goods in his possession or to provide specified particulars relating to a service supplied. Such returns shall be verified by a statutory declaration.

Adequate protection is made in that any person holding office or who is employed under the provisions of this Bill is subject to a penalty of $500 if, for any reason other than in the performance of his duty, he divulges to any person any information which he has acquired concerning the affairs of another person.

However, if the commissioner obtains information which indicates that a person has committed, or intends to commit an offence, against any law relating to secret commissions, he may convey that information to the Attorney-General. The commissioner may also communicate any information to the appropriate authority regarding the breach of any Commonwealth or State law relating to the regulation of prices.

Likewise, the commissioner may refer to the commissioner for consumer protection any information he may obtain which relates to the interests of consumers or a particular consumer.

A further provision allows that in the event of any proceedings under this Bill relating to the sale of any controlled goods or services at a price in excess of the maximum price or rate, a court may order the offending party to refund the amount of the excess to the aggrieved party.

Also the commissioner may, by written authority, authorise a person to make complaints for offences against the Bill. The Bill provides that the Government may make regulations for the proper administration and for the achieving of the objects and purposes of the Bill.

Those are the general terms of the legislation. I repeat my earlier remarks: This is one of a series of Bills which include provisions for the Ombudsman, environmental protection, and consumer protection. The Bills are designed to assist the community to enjoy a better way of life. The Bill I have just introduced will assist the community to receive a fairer deal with regard to prices.

I conclude by acknowledging the work done by the former Minister for Prices Control (Mr. Davies)—who was responsible for the preparation of the original material—and Mr. Russell—formerly of the Crown Law Department—the officer who assisted Mr. Davies.

Debate adjourned for one week, on motion by Mr. O'Neil.

GAS STANDARDS BILL

Introduction and First Reading

Bill introduced, on motion by Mr. May (Minister for Electricity), and read a first time.

Second Reading

MR. MAY (Clontarf—Minister for Electricity) [12.29 p.m.]: I move—

That the Bill be now read a second time.

The Bill before members is for the purposes of repealing the Gas (Standards) Act No. 75 of 1947, and to introduce a new Act to provide for alterations brought about by the introduction of natural gas.

The Gas (Standards) Act No. 75 of 1947 was intended to deal with town gas of the type and standard being manufactured in 1947 and is administered by the State Electricity Commission. This Act provides for a range of calorific or heating values from 475 to 550 British thermal units to the cubic foot. Also under the Act, the commission is charged with testing the purity of the gas, the pressure at which it is supplied, and its calorific or heating value. Penalties are prescribed where an undertaker does not maintain standards laid down.

The introduction of natural gas with a calorific value of 1,035 British thermal units per cubic foot and the availability of a wider range of gases such as town gas, liquid petroleum gas, and natural gas, has made it necessary to revise the Gas (Standards) Act to cope with the different conditions under which gas can be supplied to consumers.

With the increased range of gases available, provision had to be made to measure and control fundamental parameters which affect the combustion of the gas in consumers' appliances. The possibility of these changes was not foreseen in 1947.

The new Act provides that where these parameters are required to be altered by the undertaker in such a way as to require changes being made to consumers' appliances, the cost of those changes will be borne by the undertaker.

Actual limiting values for such parameters as heating value, flame speed, specific gravity, etc., have been omitted from the Act itself because the range of gases available now and those which could be available in the future is so large and variable that their inclusion would make the wording of the Act cumbersome, and could necessitate amendments to the Act from time to time to meet changes in types of gas.

The limits for these items, apart from heating value, will be fixed from time to time by regulations which will, of course, take into account the practical considerations and limitations of the design of the gas-burning appliances.

With the increased size and pressure of natural gas installations, provision is required for checking of consumers' installations in the general interests of safety and efficiency.

It was proposed to amend the Gas (Standards) Act 1947-1956 to provide these features but it was found that most of the sections required amendment. The Parliamentary Counsel advised that this would be impractical and confusing, and that since it is a very small Act it would be preferable for the Act to be rewritten.

The Bill itself is quite short and consists of 15 clauses. Clauses 1 to 4 refer to the short title for this Bill, the repealing of the old Act, and definitions.

Clause 5 (1) exempts from this Bill—

(a) Liquid petroleum gas not supplied by means of a reticulation system.

(b) Transmitting gas through a pipeline by the holder of a pipeline license.

(c) The acts of gathering gas through a pipeline within the land comprised in an exploration permit.

Under clause 5 (2) provisions of clauses 8, 9, 10, and 11, relating to heating value, pressure, purity and odour do not apply to gas supplied directly by a pipeline licensee to a consumer for industrial purposes. With respect to clause 5 (3) the Governor may declare that all or any of the provisions of the Bill do not apply to any gas which is not ordinarily used as a fuel.

Clause 6 provides that the Gas (Standards) Act 1972 shall, subject to the Minister, be administered by the State Electricity Commission.

Clause 7 of the new Act provides that the provisions of this legislation supersede provisions of other Acts in regard to the heating value or calorific value, purity, quality, and pressure of gas or the testing of gas for these parameters.

Clause 8 requires that an undertaker shall not distribute gas until he has obtained the written approval of the Minister giving a minimum standard of heating value for the gas supplied. Provision has been made for alteration of this heating value and for the use of different heating values in different areas of supply, as for example, in country areas which may rely on types of gas which are different from the natural gas to be supplied in the metropolitan area.

Larger undertakers will be required to maintain an instrument which will produce a continuous record of the heating value of the gas supplied whereas with smaller undertakers, a system of spot testing may be used. Penalties are provided for the supply of substandard gas.

Clause 9 provides that a gas undertaker shall meet the cost of conversion of appliances should the undertaker significantly alter the gas supplied by him. This provides protection for the consumer against any alteration of gas parameters that will adversely affect the operation of his appliances.

Clauses 10 and 11 provide for the commission to test gas supplied by an undertaker to determine its heating value, pressure, purity, and odour. Any undertaker who knowingly fails to comply with any direction served upon him pursuant to this clause, or if he falsifies records, shall be guilty of an offence.

Where it is considered necessary by the commission, an undertaker may be required to install instruments to measure and record such gas parameters as are specified.

Clause 12 provides for the commission to appoint inspectors and authorise inspectors to enter premises or works of an undertaker for the purposes of testing of gas or equipment.

Clause 13 provides that an undertaker or a pipeline licensee shall not supply gas to a consumers' installation unless the installation meets prescribed requirements and where the consumers' installation is dangerous, authorises the inspector to disconnect the supply.

Clause 15 provides that the Governor may make regulations prescribing all matters necessary for the administration of this legislation. The regulations may provide for the standard of odour, pressure, and purity of gas supplied. Testing fees may be prescribed as well as standards of installation, maintenance, and operation of pipes and other equipment and also standards of construction, installation, maintenance, and operation of consumers' appliances.

In essence, the new Act supersedes the provisions of the Gas (Standards) Act 1947 and provides for the recent advances in gas technology. It is interesting to note that standards have been set since gas was first sold in Perth, and the following is an extract from the Perth Gas Company's Act, 1886:—

> All gas supplied by the Company shall be of such minimum quality as to produce from an argand burner, having fifteen (15) holes and a seven (7) inch chimney and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by twelve (12) sperm candles of six (6) in the pound.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Nalder.

GAS UNDERTAKINGS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. May (Minister for Electricity), and read a first time.

Second Reading

MR. MAY (Clontarf—Minister for Electricity) [12.38 p.m.]: I move—

> That the Bill be now read a second time.

The Bill before members is for the purpose of amending the Gas Undertakings Act 1947-1961 to enable the sellers of natural gas to fulfil their obligations under the proposed contract.

The Gas Undertakings Act was passed in 1947 and was intended to regulate the operations of gas undertakers who were selling gas to ordinary consumers—not the likes of Alcoa—with a view to making a profit.

The only undertaker affected was the Fremantle Gas and Coke Company Limited which has a franchise to supply gas within a circle of five miles radius from the Fremantle Town Hall.

The Act limits the company's dividends and reserves presumably because the company has a monopoly within its area of supply. When negotiations were being conducted between the State Electricity Commission and the suppliers of natural gas it was realised that the restrictions of the Gas Undertakings Act were not intended to apply to companies which explored for natural gas. The then Minister for Electricity advised Western Australian Petroleum Pty. Ltd., that the Government would support the introduction of legislation that would enable the sellers of natural gas to fulfil their obligations under the proposed contract between the commission and the producers of natural gas. These producers will not be selling gas to smaller consumers who are the persons to be protected under the Gas Undertakings Act.

The Bill proposes an amendment to give the Minister for Electricity authority to declare that the provisions of the Gas Undertakings Act do not apply to a gas undertaker who is the holder of a pipeline license under the Petroleum Pipelines Act, 1969.

Section 25 of the Gas Undertakings Act provides that the Minister may, by notice published in the *Government Gazette*, declare that the provisions of the Act shall not apply to a gas undertaker under certain terms and conditions. It is proposed to amend section 25 by making the existing section, subsection (1), and adding further subsections as follows:—

> (2) The Minister may by notice published in the *Government Gazette*, declare that the provisions of this Act do not apply to a gas undertaker who is the holder of a pipeline license granted under the Petroleum Pipelines Act 1969 in respect of Gas which is supplied or distributed through a pipeline the subject of that pipeline license; and
>
> (3) Any notice published under subsection (2) of this section may—
>
> (a) be subject to such terms and conditions as are therein specified by the Minister; and
>
> (b) be varied or revoked by subsequent notice so published.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Nalder.

LEAVE OF ABSENCE

On motion by Mr. Harman, leave of absence for eight weeks granted to Mr. McIver (Northam) on the ground of urgent public business.

PLANT DISEASES (REGISTRATION FEES) ACT REPEAL BILL

Third Reading

MR. J. T. TONKIN (Melville—Premier) [12.42 p.m.]: I move—

That the Bill be now read a third time.

Question put and a division taken with the following result:—

Ayes—19

Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. May
Mr. Bryce	Mr. Moller
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Harman
Mr. Graham	*(Teller)*

Noes—19

Mr. Blaikie	Mr. O'Neil
Sir David Brand	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Pairs.

Ayes	Noes
Mr. McIver	Mr. Court
Mr. Brown	Mr. Ridge
Mr. Jamieson	Mr. McPharlin
Mr. H. D. Evans	Mr. Gayfer
Mr. Bateman	Mr. Reid
Mr. Lapham	Mr. Lewis

The SPEAKER: The voting being equal, I give my casting vote to the Ayes.

Question thus passed.

Bill read a third time and transmitted to the Council.

Sitting suspended from 12.46 to 2.15 p.m.

ROAD MAINTENANCE TAX

Committee, and Correction of Figures: Personal Explanation

MR. J. T. TONKIN (Melville—Premier) [2.15 p.m.]: During the debate yesterday a number of queries were raised to which I was unable to give answers. I now find in some instances I have quoted incorrect figures. I ask for permission to make a personal explanation to the House.

The SPEAKER: The Premier seeks to make a personal explanation regarding figures which he gave yesterday.

Sir David Brand: Which figures are these?

The SPEAKER: The figures quoted by the Premier on road maintenance tax. If there is a dissentient voice, leave will not be granted. Is there a dissentient voice? Permission granted.

Mr. J. T. TONKIN: The Leader of the Opposition asked me the composition of the special committee which had been set up to deal with the nonpayment of road maintenance tax. I was unable to give the answer last night, but I am now in a position to do so.

The three members of the committee which was set up by resolution of Cabinet on the 10th April are Mr. R. M. Christie, the Assistant Under-Secretary for Law, the convenor; Mr. W. Howard, the Chairman of the Transport Commission; and Mr. Colin Campbell who is the Director of the Department of Corrections. Acting for them as secretary is Mr. Dyson of the Transport Commission. The committee has met and it has made an interim report which is not yet to hand.

In connection with the figures I quoted, some members—and it now appears quite correctly—challenged the total figures and suggested that they referred to charges and not individuals. I took the opportunity early this morning to check with the source of my information and the first reply to me was that the figures referred to individuals. However, I stated that the matter had been raised in the House as it was thought that the figures, especially those relating to bankruptcy, were unduly high.

I asked if it were possible to have the figures checked again so that I could confirm them, and so advise the House, or make a correction.

Mr. Hutchinson: Is this in connection with the member for Wembley's speech?

Mr. J. T. TONKIN: The member for Mt. Lawley was the first one to raise this issue but there were several other members who doubted the accuracy of the figures.

I regret to say, and I apologise to the House, that the figures related to charges and not individuals. I now have the correct figures which have been double-checked to make certain there is no possibility of error. The figures I now quote definitely refer to individuals in every case.

The total number of withdrawals was 587, and this figure has no reference to charges. Some of these individuals had 50 charges against them and all the charges were withdrawn. The figures I am now quoting relate to individuals only. Action was commenced against 587 individuals on a number of charges. Of this total 289 paid up the amounts due or entered into satisfactory arrangements to complete payment of the amounts due.

Mr. Nalder: Is this for the period September, 1969, to March, 1970?

Mr. J. T. TONKIN: This is covering the same period as was dealt with last evening.

Mr. O'Connor: I think it was an 18-month period.

Mr. J. T. TONKIN: That is from September, 1969, to February, 1972.

Mr. O'Connor: Is it 1971 or 1972? Last night you quoted an 18-month period.

Mr. J. T. TONKIN: Well, here is another error.

Mr. Hutchinson: You would be wise to treble-check it.

Mr. J. T. TONKIN: I think it would be wise to forget the totals and members can make up their own totals as we go along. For the sake of accuracy I will give the individual totals for the month. Unfortunately, the figures I have now obtained go beyond the period which was dealt with last night so the figures are not comparable. I have quickly excluded figures which do not refer to this period, but if members are interested these can be supplied.

Commencing in September, 1969, and running through to March, 1970, those who paid the amounts due numbered 38, 19 went bankrupt, and action was discontinued against another 25. That means that of a total of 82 only 38 paid up and action was not taken against the others.

In April, 1970, and these are cases where action was commenced and discontinued, six paid, three went bankrupt, and three were not proceeded against for miscellaneous reasons. In May, 11 paid, five went bankrupt, and there were four others against whom action was discontinued. In June, 17 paid the amounts due, three went bankrupt, and action was discontinued against 13 others. In July, nine paid up, six went bankrupt, and there were an additional eight people against whom action was discontinued. In August, 1970, three paid, one went bankrupt, and action was discontinued against one other person. In September, six people paid, six went bankrupt, and action was discontinued against five others. In October, eight paid, one went bankrupt, and action was discontinued against one other person because he could not be located. In November, 14 paid, six went bankrupt, and there were five others. In December, 1970, seven people paid, one went bankrupt, and there were two others against whom action was discontinued.

In January, 1971, seven people paid, no-one went bankrupt, but action was discontinued against two others. In February, five people paid, three went bankrupt, and action was discontinued against one other because his address was unknown. In March, 14 paid, none went bankrupt, and there were nine others against whom no action was taken. In April, 10 paid, four went bankrupt, and there were 10 others. In May, 25 people paid, nine went bankrupt, the addresses of three people were not known, and there were 17 others against whom action was discontinued. In June, there were 10 people who paid, two who went bankrupt, four whose addresses were not known, and four others.

In July, 1971, 10 people paid, one went bankrupt, the addresses of seven people were not known, and there were 14 others. In August, six paid, one went bankrupt, there were eight people whose addresses were not known, and three others. In September, 14 paid, three went bankrupt, there were 17 whose addresses were not known, and 13 others against whom action was discontinued.

Sir David Brand: All those others must be leaving the State.

Mr. J. T. TONKIN: It looks as if there is a growing number of people finding out that they can get away with it if they cover up their traces. It goes to show the chaotic situation of the whole business. We now come to October, 1971, when 19 people paid, three went bankrupt, the addresses of three people were not known, and there were three others. In November, seven paid, five went bankrupt, and there were four others. In December, 1971, nine people paid, seven went bankrupt, one person's address was not known, and there were two others.

In January, 1972, 12 people paid and none went bankrupt, but there were two others to whom I will make special reference in a moment. In Febraury, 1972, four paid, two went bankrupt, and there were two whose addresses were not known. In March, 1972, 18 people paid, two went bankrupt, and there were eight others against whom action was discontinued for some reason or other.

The two people I referred to in January, 1972, had 631 charges against them. They were company directors resident in the Eastern States, and the High Court decision was to the effect that company directors operating as such were outside the jurisdiction of the State court.

These snide individuals just followed the practice of forming a company, operating it for a time, discontinuing to operate it, and forming another company; and thus not paying their road maintenance tax at all. So far as I know this practice is still operating. It goes to emphasise the unfairness of the existing position. For some reason or other a number of people are avoiding completely this tax, whilst the honest ones who are able to pay do pay.

Mr. Lewis: In the earlier part of your statement you mentioned 587 defaulters.

Mr. J. T. TONKIN: That number covers the whole period up to March, 1972, which was not the information I had asked for. I wanted to get the figure for a period which was comparable exactly with the period I mentioned last night. So in order to get the figure for the comparable period it will be necessary to add the separate figures which I have given covering the period for September, 1969, to February, 1971.

Mr. O'Connor: Gradually the public has been misled by the figures appearing in the Press.

Mr. J. T. TONKIN: I very much regret that and I take the responsibility for it, because ultimately it is my responsibility. In cases like that I hesitate to find any excuses. All I can do is to give an explanation.

Sir David Brand: It is not the fault of the Press.

Mr. J. T. TONKIN: I am making an explanation as speedily as I can in order to correct the situation. All I can say in my own defence is that the figures which I did give were given in absolutely good faith. Two or three times in the course of my speech when I was questioned I felt the figures were correct. If members will refer to what I have said they will see that I did not wipe out completely the possibility that the figures were not right. At the time I was speaking I felt I had very good grounds for assuming that the figures referred to individuals, and not to charges.

Mr. Lewis: Of the 587 defaulters how many went bankrupt?

Mr. J. T. TONKIN: Taking the full period covered by the 587 defaulters there would be 93 bankruptcies, but if we take the period which is comparable with the period I mentioned last night there would be—

Mr. O'Connor: There would be 54 bankruptcies.

Mr. Hutchinson: Just as well members query these figures.

Mr. May: Just as well they get an answer.

Mr. J. T. TONKIN: —54 bankruptcies.

Mr. Hutchinson: That shows how wary you have to be.

IRON ORE (GOLDSWORTHY-NIMINGARRA) AGREEMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [2.35 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to ratify an agreement between the State and Consolidated Gold Fields Australia Limited, Cyprus Mines Corporation, and Utah Development Company, known as the Goldsworthy Joint Venturers.

This group was the first of the iron ore developers in the north-west of the State and have, since June, 1966, been exporting iron ore from the Mt. Goldsworthy deposits through the Port of Port Hedland.

The agreement follows the decision of the Government not to approve of the assignment by Sentinel Mining Company of its rights under the Iron Ore (Nimingarra) Agreement Act to the Goldsworthy Joint Venturers, and contains a number of provisions which are more advantageous to the State than if the assignment had been approved.

In broad terms it grants to the joint venturers immediate access to mining area "D," which comprises temporary reserves Nos. 5165, 4521, and 4522. No. 5165 is known as Sunrise Hill, and Nos. 4521 and 4522 are, respectively, designated Nimingarra and Yarrie, and were formerly part of the area subject to the Iron Ore (Nimingarra) Agreement Act.

These are shown on a plan marked "D" which, together with a plan showing mining area "E" also referred to in the agreement, I seek permission to table, Mr. Speaker.

The plans were tabled.

For this right, the joint venturers pay to the State $500,000 and to Sentinel Mining $2,000,000, the latter payment being by way of compensation towards expenditure incurred by Sentinel in exploring and proving of the reserves.

The Goldsworthy mining company plans to increase its output through Port Hedland from a present maximum level of approximately 6,000,000 tons to a maximum of 9,000,000 tons a year, and will draw its ore from both the Mt. Goldsworthy and Nimingarra deposits.

Royalty provisions in earlier agreements were 7½ per cent. on direct shipping lump ore and 3¾ per cent. on fine ore. The new rate is 11 per cent. of f.o.b. value on both lumps and fines.

This is the first increase of royalties obtained in negotiations with the iron ore companies. The new royalty rate should mean an estimated return to the State of $32,000,000 compared with $21,000,000 under the earlier royalty provisions. In other words, the increase is estimated at $11,000,000.

Sir David Brand: Is that each year?

Mr. GRAHAM: No, that is in the aggregate.

Sir David Brand: That should be made clear.

Mr. GRAHAM: The provisions embodied in the agreement, securing higher royalty payments to the State, accord with the Government's election promise in respect of the State's mineral deposits.

Once access is granted, the joint venturers are obliged to carry out further investigations and submit proposals for the development of the iron ore deposits. Initially such proposals will only cover the Sunrise Hill area, which will be worked in conjunction with the Shay Gap deposit, which lies in close proximity to it.

Within two years of ratification of the agreement, the joint venturers have the right to apply for a mineral lease over the balance of the temporary reserves comprising mining area "D."

At this stage the joint venturers will be required to pay to the State a further $324,320, and a further $3,150,680 to Sentinel Mining, in three moieties, by way of further compensation for exploration work carried out.

It is expected that the joint venturers, on exercising this option, will immediately commence mining the Nimingarra and Yarrie iron ore in conjunction with the other deposits which they have in the area.

Mining area "E," which covers the manganiferous ore deposits, formerly part of the Iron Ore (Nimingarra) Agreement Act, is to be granted to the joint venturers for the purpose of prospecting for ore under the terms of the agreement and, subject to the payment of the moneys due on the joint venturers exercising their right to have a mineral lease over the temporary reserves comprising mining area "D," the joint venturers may submit proposals for the development and exploitation of this ore.

It is thought that there will be a need for some form of secondary processing before the manganiferous ore can be marketed. How this will be accomplished is yet to be worked out by the joint venturers and the final decision will depend on the result of investigations and experiments to be carried out.

That is a brief summary of the agreement. I will now go through those clauses which require more detailed explanation.

In the interpretation clause, the definition of "f.o.b. revenue" has been amended from that which applied to the earlier agreements, to remove anomalies which have arisen in regard to interpretation.

Under clause 4 the joint venturers are granted rights of occupancy for mining area "D" under the provisions of section 276 of the Mining Act. The rental payable by the joint venturers is $26 per square mile. This is a new rate set by the Mines Department and compares with the former rate under the original Sentinel Act of $8 per square mile.

Renewals of rights of occupancy shall be at 12-monthly intervals and shall expire, in the case of the area coloured red, once a mineral lease has been granted and, in the case of the area coloured blue, two years after the commencement date unless, in the meantime, an application for a mineral lease has been granted over the mining area coloured blue. This means that the joint venturers have the right to defer any decision in regard to Nimingarra and Yarrie for a period of up to two years.

Under the provisions of clause 5 the joint venturers are to carry out a feasibility study of mining area "D." Considerable work on this area has been carried out by Sentinel Mining, and this information has been made available to the Goldsworthy joint venturers.

Under the agreement the joint venturers have until the 31st day of December, 1972, to submit proposals for mining area "D." Members will observe that is only some months distant. Initially it is expected that these proposals will only cover the mining of the Sunrise Hill deposit which, as I explained earlier, will be mined in conjunction with the Shay Gap deposit, which is already in the preliminary stages of development under the provisions of the Goldsworthy variation agreement Act.

Initially, mining of the Sunrise Hill deposit will be at the rate of 1,500,000 tons of iron ore a year and, although there is a curtailment in the sales of ore to Japan, the Goldsworthy joint venturers do not consider that the marketing of this tonnage will be any problem.

The agreement provides that should the joint venturers desire at any time to expand their activities beyond the level of the proposals approved, then they shall be liable to submit additional proposals. This requirement is to ensure that the State has the opportunity to impose further conditions, particularly to cover infrastructure requirements, if considered necessary.

Under clause 9 the joint venturers shall have the right to be granted a mineral lease over the Sunrise Hill area which is shown coloured red in mining area "D." The rental payable on the mineral lease shall be that specified from time to time in the Mining Act. This is to avoid being tied to a basic rental for the full life of the agreement.

A mineral lease over that part of mining area "D" coloured blue—Nimingarra and Yarrie deposits—if granted in the future shall be subject to the same terms and conditions as the first mineral lease.

Mineral leases shall be initially for a period of 21 years, with successive rights of renewal of 21 years, subject to the same terms and conditions.

Clause 10 provides for the payment of compensation towards expenditure previously incurred by Sentinel in the exploration of mining areas "D" and "E." The total sum payable is $5,150,680. Of this sum, the joint venturers are committed to pay $2.000,000 once the agreement is ratified, the amount being payable in three moieties, with the first payment within seven days of the date of ratification.

The balance of the compensation will be payable only if the Goldsworthy joint venturers make a decision to mine Nimingarra and Yarrie deposits. This decision is to be made within two years. The total sum then remaining will be payable by three annual instalments.

Clause 12 requires some comment. Members will note that there is an obligation on the joint venturers to spend not less than $5,000,000 to enable them to mine ore. This sum is substantial, but relatively small when compared with the large-scale projects which have preceded it in the north-west and elsewhere in the State. However, it would be realised that the first stage of this project is being brought into production in conjunction with other areas controlled by the joint venturers. The estimated cost of doing that work is in excess of $40,000,000, and the $5,000,000 stated in this agreement would be in addition to that expenditure.

Clause 14 deals with the construction of a road or railway for the transport of ore. Opening up of the Sunrise Hill deposit will not involve the construction of any additional railway. The joint venturers intend to haul this ore to the crushing station and train-loading complex developed for the mining of the Shay Gap deposits.

It will be noted that clause 23 states that nothing in the agreement shall be construed to exempt the joint venturers from complying with any requirement for the protection of the environment.

Clause 25 deals with mining area "E." Under its provisions the State shall, on application, grant to the joint venturers rights of occupancy pursuant to section 276 of the Mining Act, with rental at the new rate of $26 per square mile. The rights of occupancy will be for 12 months and renewable, and shall expire on the granting of a mineral lease over the area, or on the determination of the agreement.

Under subclause (2), the joint venturers shall carry out exploration and prepare feasibility studies relating to the establishment of a plant for the secondary processing of ore from mining area "E." Then, provided the joint venturers have entered into a commitment to pay the $3,150,680 referred to earlier in my speech, they may, within five years from the commencement date, be granted a mineral lease not exceeding in total an area of 300 square miles over the temporary reserves comprising mining area "E."

At the time of submitting the application the joint venturers are obliged to submit detailed proposals of the development contemplated in respect of mining area "E." The proposals require approval of the Minister, and in cases where there may be a divergence of opinion, the agreement provides for consultation as in similar agreements. It also provides for arbitration in the event of disagreement. Once the proposals are approved or determined by arbitration, as the case may be, the joint venturers shall be granted a mineral lease for a period of 21 years, with successive rights of renewal for further periods of 21 years.

In the event of the joint venturers' proposals not being approved, or the award on arbitration is in favour of the Minister, the agreement provides that the State shall not grant a lease over mining area "E" to any party until the expiration of 10 years, on terms more favourable on the whole than those available to the joint venturers.

Clause 32, as is normal in such agreements, gives to the State power to resume land required for the purposes of the agreement.

Clause 33 is the royalty clause. For the right to export iron ore, the joint venturers will pay a standard royalty of 11 per cent., with a minimum payment in respect of direct shipping ore of 84c a ton, and 55c a ton in the case of fine ore. There is no minimum payment on fines, or ore with an average pure iron content of less than 60 per cent. The royalty payable on manganese ore is 15c. This rate applies for a period of five years. Thereafter the royalty payable will be as prescribed in the Mining Act. On manganiferous ore, and locally used ore, the royalty rate is 15c a ton.

Subclause (4) clarifies the point that if ore under this agreement is mixed with other ore which attracts a lesser royalty rate, that proportion of the mixed ore applicable to this agreement shall attract the higher rate of royalty. This subclause was incorporated to ensure that there would be no misunderstanding in this regard.

The balance of the clauses in the agreement are normal machinery ones, which do not need any explanation from me.

The agreement with the joint venturers has already been signed by the Premier on behalf of the State. As indicated last year, this conforms to a pattern established by this Government, in that amendments or major departures will be referred to the Parliament after the agreements have been negotiated and signed, but where there are entirely new agreements with new venturers the procedure will be to submit the agreement to Parliament, seeking its approval, after which the Premier will sign it on behalf of the State, if that be the wish of the Parliament.

The second point I wish to make is, as I have already indicated, this is the first of the steps taken to bring about a greater return of revenue to the State in respect of its natural resources, and I am speaking specifically of minerals.

Sir David Brand: Some of these other agreements, in the first place, call for a good deal of infrastructure—the development of ports and other costly loan works.

Mr. GRAHAM: That is so.

Sir David Brand: In this case, not so much of that is being done. Let us acknowledge that.

Mr. GRAHAM: That is the position. Obviously, any Government is bound by the agreement between the State and the company which has been endorsed by Parliament.

Sir David Brand: I am not complaining. I am just pointing out why you are able to call for a little more from the company in this case.

Mr. GRAHAM: Because by and large the infrastructure obligations have already been carried out; that is so.

Mr. May: That is not quite right because this particular company is building an entirely new town at Shay Gap, plus an extension of about 40 or 50 miles of railway line.

Sir David Brand: It contributed, in the first place, to the development of ports, and so on. I am only making the point, to put everybody right, that the increase in royalty is made possible by the initial outlay of the company in capital works.

Mr. Hutchinson: It is a logical step.

Mr. GRAHAM: That is partly right, as already admitted. I hope and trust we will not be at loggerheads over this.

Sir David Brand: No.

Mr. GRAHAM: In respect of additional areas that were advertised—applications for which closed on the 18th February of this year—the same process will probably be operated by the Government; that is, in consideration of additional areas to be made available to an established company a higher royalty would be expected. The State is in quite a favourable bargaining position, at the same time having a sense of responsibility and not seeking to damage the companies that have chosen to come here, to invest, and to carry out important mining and industrial activities within our boundaries.

I mention that because it has been a feature of the deliberations of the officers of the several departments, particularly the Mines Department and, of course, the Department of Development and Decentralisation, in the negotiations which have taken place up to date. In some of the Bills of which notice has been given it will possibily be found that this procedure is already having an effect.

As I say, there is no need for us to become excited about this. It is surely a good thing, irrespective of which Government does it, if more can be returned to the State to cover the many needs of the State Treasury, provided steps are not being taken which might in any way damage or impede the progress of a company that has chosen to set up in business here. I commend the Bill to members.

Debate adjourned for one week, on motion by Mr. Hutchinson.

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [2.57 p.m.]: I move—

> That the Bill be now read a second time.

This is a Bill to authorise the State Government Insurance Office to extend its field of operations. At the present time, and so far as the public is concerned, the office is authorised to issue policies for employers' indemnity insurances which include workers' compensation insurance, motor vehicle comprehensive insurance, students' personal accident insurance, and all classes of insurance, except life, for local authorities. All its other insurance activities concern Government property or property in which the Government or a semi-Government instrumentality has a financial interest. Primarily, therefore, this Bill deals with the S.G.I.O.'s authority to do business for the general public, and it seeks to extend the franchise of the S.G.I.O. to include all classes of general insurance business and also life assurance.

Some members will no doubt remember, and others will by now have read, the debates that took place on this legislation in this House and in another place between 1953 and 1958 when similar Bills were introduced and defeated. In all, six Bills were brought down in as many sessions, and very few Bills can claim to have been so widely and deeply debated. For that matter, very few Bills can claim the distinction of having been rejected in six consecutive sessions and, indeed, such a thing would not have been possible in more enlightened democracies.

To return to the Bill: As I said, in my opening remarks, the Government now seeks to authorise the S.G.I.O. to do all classes of insurance for the public, including life assurance, and because the S.G.I.O. has had no previous experience in life assurance I shall be dealing more specifically with that subject later in this speech. Apart from its prime purpose of extending the S.G.I.O.'s franchise, this Bill has been framed to ensure that it will only be possible for it to do so on an equal footing with the private enterprise companies. Being a Crown instrumentality, the S.G.I.O. would not ordinarily be liable for company income tax, other Government and municipal rates and taxes, fire brigade charges, Perth City Council rates, and so on. This Bill makes it liable for all these taxes, except for fire charges on Government business, the reason being that the Government makes a direct contribution to the Fire Brigades Board.

I think it is pertinent to add that in reply to question 1 on Wednesday, the 19th April, asked by the member for East Melville, I indicated that the S.G.I.O.

already pays most of these charges, including local government rates where applicable. Following a thorough check in the department, I found that the S.G.I.O. does not pay the charges for one of its four or five buildings. I was therefore in error, but the charges will now be paid, as it was intended they should have been some time ago.

It also makes it incumbent upon the S.G.I.O. in the matter of life assurance to comply with the State Life Assurance Companies Act, 1889, as if it were a company within the meaning of that Act. So far as income tax is concerned, however, there is a vital difference both to the Government and to the public between the private enterprise companies and the S.G.I.O. The manner of assessing the tax will be identical in both cases, but whereas the private enterprise companies pay their company tax to the Commonwealth Treasury, the S.G.I.O. will pay its company tax to the State Treasurer. I say "vital," because even on its limited franchise this year, the tax amounted to $539,833. As far as is legislatively possible, therefore, the S.G.I.O. will be required to compete with the private enterprise companies without competitive advantage; and I make the point clear, if any member considers that this Bill does not achieve this objective, I shall be quite happy to consider any suggestions he may have.

Mr. O'Neil: Why did you say, "as far as is possible"?

Mr. TAYLOR: If the Opposition puts forward suggestions I will consider them. There may be something which I or the S.G.I.O. have not envisaged, but as far as I can say at this point of time, any suggestion will be considered.

Perhaps before I leave this aspect I could clarify two points. Questions have been asked in Parliament in the past as to the use of public servants as unpaid agents of the S.G.I.O. Those were not the words, but it certainly appeared to be their meaning. The S.G.I.O. has no unpaid agents. It has approval for and does use clerks of courts and mining registrars as agents, but like its competitors it pays them a commission which last year amounted to $11,748. The second point that has been raised during earlier debates in Parliament is legal expenses. The S.G.I.O. pays the Crown Law Department for this service. It recently had a solicitor seconded to it and last year, together with his salary, it paid the Crown Law Department $46,000 for legal advice. It gains no advantage over its competitors in this respect.

Mr. O'Neil: Ask the member for Boulder-Dundas.

Mr. TAYLOR: For those members who may not be familiar with the S.G.I.O's background, might I say briefly that it has been handling all classes of insurance business for the Government since 1926. In 1938, Parliament ratified all previous transactions and authorised the office to arrange employers' indemnity insurance for the public. In 1943 its franchise was extended to include all classes of insurable risks in connection with the ownership and use of motor vehicles, and in 1945 it was further extended to include all classes of insurable risks for local authorities, excluding life, by way of a pool. Finally, in 1954, the Act was further extended to allow the S.G.I.O. to arrange students' accident insurance.

In both its Government and public capacities the S.G.I.O. had an aggregate annual premium income of $12,700,000 in 1970-71 and a staff of 277. This makes the S.G.I.O. by far the largest general insurance office in the State. The staff do not lack insurance experience or insurance qualifications. Ten members have over 25 years' service with S.G.I.O.; 18 have insurance or accountancy qualifications, or both, and another 69 have passed some subjects towards their qualification. Both relatively and in bulk, this performance is probably without equal in this State. But it is not important merely as a statistic.

It means, in effect, that the S.G.I.O. has all the expertise necessary to handle all classes of general insurance and it will not experience any problems in coping with the wider franchise envisaged in this Bill. In fact, I do not expect any member will seriously suggest that it will. How can they, when the S.G.I.O. already has had for many years some of the largest risks of their kind in the State? I refer to such policies as marine hulls for the State shipping fleet, public liability for the W.A.G.R., public liability for the S.E.C., fire and related risks for all S.E.C. power stations, fire and public liability for the Fremantle Port Authority, and in fact all port authorities including Esperance, Albany, Busselton, Bunbury, Geraldton, Port Hedland, and so on.

Not only has the S.G.I.O. already the nucleus of expertise to cope with an enlarged franchise, but also it has a reinsurance structure tailored to receive any additional business almost without alteration. In the main, its reinsurance contracts will allow the S.G.I.O. to grant immediate cover up to any anticipated limit and it has the facilities to tap the world markets quickly for anything in excess of those limits.

By the same token, it also has taken the precaution to have immediate and automatic protection against any catastrophe in any class of risk that it has accepted or is likely to accept. For example, no matter how calamitous a fire, storm, or earthquake, the S.G.I.O. has so spread its risks as to be liable for no more than $30,000 in any such event.

Mr. Gayfer: Is it sufficiently covered for floods?

Mr. TAYLOR: We will make sure of this, particularly if the member for Avon is interested in this aspect.

This is normal and prudent underwriting, but I point it out because in their ignorance in the 1958 debates on the S.G.I.O. Bill, some members kept pointing out that in the event of a catastrophe the S.G.I.O. would go bankrupt and would call on the Government to meet its debts. That could not have happened in 1958 and it cannot happen now.

It is only human nature that we should protect what we have and that we should fight to stop others from sharing it. However, when responsible people outside Parliament say that they welcome competition, one would not expect them to fight so strenuously to exclude a potential competitor.

But why must the private enterprise companies contemplate only the loss of business to the S.G.I.O. when several more forward-looking companies are already receiving good business from the S.G.I.O.? For instance, until recently only 60 per cent. of the S.G.I.O.'s fire account was reinsured in Australia, the other 40 per cent. going overseas. Much the same applied with its marine account and also its general account. With some qualifications, the S.G.I.O. advocates local reinsurance to keep premiums in the State, or at least in Australia, and I have already given direction to develop this theme beyond the 60 per cent.—in fact to the maximum considered prudent.

However, the S.G.I.O. will be looking for a *quid pro quo;* that is, a return reinsurance arrangement by the private companies with the S.G.I.O. and it is hoped that from this the companies must surely recognise that, even if they do have to share the market with the S.G.I.O., they will also be sharing in its account by way of reinsurance. In the long run, with an expanding Government account, not otherwise available to them, there could be a net gain for the companies. At the worst, the difference will not be as dramatic as some company representatives would have people believe.

Members in the earlier debates on this matter—that is, pre-1959—have voiced various objections to this Bill, but when all is said and done the main objections fall into two categories. The first is fear that the S.G.I.O. will be allowed to compete on more favourable grounds than its private competitors; and the second is that members are opposed to the Bill because on principle they are opposed to State trading.

I think any fair and open-minded person who has studied this Bill must concede that it completely answers the first objection. Its whole purpose and intent is to put the S.G.I.O. in no better and yet no worse position to compete than its private enterprise competitors, and I consider it achieves this objective.

Of course, there are members of the public whose political persuasion will cause them to prefer the Government office, but then there are others who prefer the private office. These latter are amply catered for so the question might be asked as to why those who prefer a Government office should be denied their choice, and of course there is a choice now with motor vehicle insurance. All that is asked is that the same choice should be available to the public as now applies, as I have just commented, in the area of motor vehicle insurance. To emphasise this point, members on both sides of this House insure with the S.G.I.O., and members on both sides do not. There is complete freedom of choice.

By no stretch of the imagination could it be said that this is giving the Government office preferential treatment. On the contrary, there are some members of employer organisations who have been persuaded to cancel their workers' compensation policies with the S.G.I.O. because continued support is contrary to their employer organisation membership. Likewise, the Government office is at a disadvantage with its present limited franchise because many potential clients prefer to place all their policies with the one office or one representative. At the present time, the S.G.I.O. cannot offer this facility.

In one example, the general manager of the S.G.I.O. received a telephone call from a friend of his who has a workers' compensation policy with the S.G.I.O. The friend required a public risk policy and had been refused cover by a private enterprise company unless he transferred his other insurance policies to that company. The S.G.I.O. would gladly have given him a public risk policy, but its restricted franchise made this impossible. In this instance the private company played on this one-sided and unfair situation to take away the S.G.I.O. worker's compensation client, and the S.G.I.O. could not retaliate.

I am informed by the general manager that this was far from an isolated case. And yet, the Director of the Perth Chamber of Commerce talks of the S.G.I.O., "Trading under most favourable conditions not available to private insurance companies," as reported in *The West Australian* on the 20th August last.

In regard to the competition being faced by the State Government Insurance Office I make some additional comment. A further situation has developed in the last 12 months or so which is of some concern to the S.G.I.O. and appears to mitigate unfairly against it as far as competition is concerned.

Briefly, some of the largest accounts administered by the State Government Insurance Office are those covering what may be called semi-Government instrumentalities. These include the university, Western Australian Institute of Technology, Royal Perth Hospital, and so on. These accounts, which are for comprehensive insurance—that is, all the areas except life, into which the State Government Insurance Office now wishes to extend its franchise—are available to these instrumentalities and the State Government Insurance Office's terms are most competitive.

However, late last year a changed situation developed, where outside brokers sought permission to quote for the insurance of these instrumentalities which, because of the tremendous amount of equipment and value in buildings, were accounts totalling some millions of dollars. In some instances, the S.G.I.O. believes quotes from insurance brokers were, in fact, lower than the State Government Insurance Office and were considered by them to be completely uneconomical to the company offering. They further believed that the lower than economic quotes made to, in one instance, the university, were, in fact, being used mainly by overseas companies to establish a bridge-head, firstly in this State; and secondly, into the very large Government business.

The General Manager of the S.G.I.O. discussed with me my thoughts as to whether the Government should direct all Government and semi-Government instrumentalities to put their insurance with the State Government Insurance Office but we agreed, and I so directed, that no such order was to be given, particularly at that point of time. The General Manager of the State Insurance Office then submitted revised quotes for the work to which I referred which are, in fact, uneconomical to the office, but allows it to retain the business of these instrumentalities.

The reason that I did not ask the Government to give a direction to have all such insurance directed to the State Government Insurance Office was that I had this present Bill in mind and felt that one of the concessions that could be given to private industry was that as long as the situation was fair and fully competitive, the State Insurance Office would meet that competition, or bow to that competition.

However, members must realise that it would be very difficult, and perhaps impossible, to allow such competition in the Government area if the S.G.I.O. was prohibited from tendering and competing on a fair basis with private companies in other fields outside; that is, it should not be possible to take over the most profitable areas of Government business by private enterprise without the State office being able to do anything to maintain its position.

Members should be keen to see fair play, so let us look at both sides. The Government has done its best in this Bill, and very effectively too, I think, to see that the S.G.I.O. does not get any unfair advantage from this legislation. I hope that members on both sides will join in seeing that the S.G.I.O. does not continue to operate at a disadvantage either.

Let us look now at the second objection to which I referred; namely, opposition on principle to State trading. To be valid even this ground has to be supported by reason and the reasons normally advanced are that State trading is inefficient and eventually costs the Government, and therefore the public, money. Whatever the validity elsewhere, this is certainly not true of a Government insurance office, whether it be in this State or any other. There is ample evidence to show that whether they operate on a limited franchise, as in this State and in Victoria, or on a wider franchise, as in Queensland, New South Wales, or Tasmania, they are all demonstrably efficient, and they all contribute substantially to their State Treasuries—the contribution being in direct proportion to the scope of their franchise.

Let me illustrate just how substantial these contributions to State finances are. In New South Wales, for instance, the Government Insurance Office, since 1942, when it was given a full franchise including life assurance, to the 30th June, 1970, has paid $11,700,000 to the State Treasury in lieu of paying income tax to the Commonwealth and, in addition, it has contributed $2,800,000—to the 30th June, 1970—to the State Treasury for capital equipment in hospitals. That is a total of $14,500,000. In Queensland in the two years 1968-69 and 1969-70 the Government Insurance Office paid $4,500,000 to the State Treasury in lieu of income tax, and the last information I have is that the contribution for 1970-71 will be higher than for either of those two years. Both those States have a full franchise, including life assurance, just as this Bill proposes. In this State the contribution to the State Treasury is much more modest, but it is in keeping with its limited franchise. Up to the 30th June, 1971 the office, since its inception, had paid approximately $5,500,000 to the State Treasury, of which $4,200,000 was in lieu of income tax calculated on exactly the same basis as for a public company.

These figures are indicative only of the direct financial contribution Government insurance offices have made to State Treasuries. They ignore the equally important indirect benefits that accrue both to the Government and to the insuring public, but they are sufficient in themselves surely to explode the objections of opponents of State trading as applied to Government insurance offices. Rather than cost

the Government money, these offices contribute substantially to Consolidated Revenue, and to do this in open and fair competition with other insurance companies, they have to be efficient. This Bill will ensure that the competition is open and fair; but to both sides, not just one.

Probably just as important to the State's Government, of whatever its political colour, and certainly in much greater volume than the direct contributions, is the use of moneys available for investment by the Government Insurance Office. Under the State Government Insurance Office Act as it now stands, the office is authorised to invest funds in investments approved by the Treasurer, and even with its present franchise limited as it is to employers' indemnity or workers' compensation insurance—to give it its everyday name—comprehensive motor vehicle insurance, student's personal accident insurance, and all classes of insurance business except life for local authorities, the S.G.I.O. has managed to accumulate an investment portfolio amounting to over $18,000,000 at the 30th June, 1971, and is now budgeting to lend approximately $3,000,000 of its new funds annually. Good as it may appear, compare this with the figures of New South Wales and Queensland where the Government offices have a full franchise.

New South Wales has an investment portfolio of $293,000,000 and invests $40,000,000 of new funds annually. Queensland has an investment portfolio of $200,000,000 and lends $31,000,000 of new funds annually. Without writing one policy the New South Wales office earns $17,000,000 annually from its investments, and Queensland $12,000,000. Western Australia's State Government Insurance Office earns just over $1,000,000 from its investments. But these figures from the Eastern States are illuminating, and one does not need to think too hard to realise why the private enterprise companies do not want to share their privileged position with State Government insurance offices.

However, the earnings on invested funds is not the only or even the main criteria that concerns this Government or the public. It is the use to which these invested funds are put that is of vital importance. If they are in the hands of private companies they are naturally, and from their shareholders' viewpoint, properly put to the purpose that will provide the highest return commensurate with safety and liquidity.

In the main, investment policy is determined by the head office of these companies and few of these are resident in Western Australia. Consequently, there must be doubts as to whether funds produced in Western Australia are being invested in this State, and I suspect, and the companies publish no figures to allay my suspicions, that relatively little of the funds of many of the State branches of national and international companies are invested in Western Australia. On the other hand, the funds of the State Government Insurance Office are invested only with the approval of the Treasurer, and of the $18,000,000 now invested, not one cent is invested outside Western Australia with the exception only of $1,186,300 invested in Commonwealth loans.

Mr. Rushton: I thought you said you were going to produce both sides of the argument?

Mr. TAYLOR: The honourable member will have an opportunity to put the other side, but I do not think there is another side. The return on these invested funds is 5.7 per cent. which compares quite favourably with similar organisations. The loans are properly secured in accordance with commercial usage and protected by mortgage guarantee insurance if considered necessary.

If the Government wishes to implement Government policy in some area the State Government Insurance Office lends against a Government guarantee if the security is not up to its required standards. This, too, is normal procedure. An example of this would be a Government guarantee of another industry, such as Coral Bay. The essential thing to remember is that the funds are invested in Western Australia and in projects and areas where they are most needed. But with the private companies the governing factor is earnings, not need. Yet it is possible to combine both earnings and needs and still maintain a very profitable investment portfolio as is demonstrated by the State Government Insurance Office in Queensland and New South Wales, and in its limited way, by our own State office.

For instance, the General Manager of the Government Insurance Office in New South Wales tells us in his letter of the 26th August, 1971, to the General Manager of the State Government Insurance Office, Perth, that currently his office allocated as a matter of policy 50 per cent. of its investment funds to the public sector which includes semi-Government and local government loans and housing loans, and 50 per cent. to the private sector. His loan programme for 1971-72 provides $5,000,000 for local government, $10,000,000 for semi-Government, and $15,000,000 for housing, with $10,000,000 for supplementary purposes. When we remember that he has $40,000,000 annually to allocate it must be obvious to every member here how important this is both to the Government and to the public of New South Wales whom it represents.

In Queensland the story is much the same. The General Manager, in a letter dated the 27th August, 1971, advised that his office is currently a large lender to semi-Government authorities, which includes hospital boards, and that $5,500,000

was allocated to them last year. His office provides funds for Government accommodation, including the new Main Roads Department building and the new Executive building. It has provided funds to establish or expand the fertiliser industry in Queensland and the sugar industry, as well as a motor truck plant in Brisbane for Volvo. Need one say more?

I suggest that what I have said should erase any doubts in members' minds as to what can be done by a Government insurance office with a full franchise, operating in the main in the same way as this Bill will enable our own Government office to operate. In Western Australia, as I have already said, the S.G.I.O. is currently able to invest about $3,000,000 of new funds annually. To maintain a balanced portfolio, this money is spread between semi-Government, local government, housing, and private industry; and to the 30th June, 1971 it had invested an aggregate of $28,600,000 as follows:—

	$
Commonwealth stock	4,300,000
Semi-Government	8,900,000
Local Government	6,400,000
Private Industry	4,200,000
Housing	3,100,000
Land and Buildings	1,700,000

and of these funds, $18,400,000 was still out on loan at the 30th June, 1971.

Despite its limited funds the S.G.I.O. by no means confines its lending to the metropolitan area. For instance, it has loans current to no fewer than 56 country local authorities totalling $4,700,000. These range from Albany to West Kimberley and include six northern shires. Semi-Government loans to country authorities total $790,000 and include five regional port authorities. Loans to private industry domiciled in the country total $682,000, and most of this has gone to small undertakings in the north where private money is loath to go except to the huge mining companies.

What is the use of the Government encouraging development in the north if we do not provide the small man with the amenities to which he is accustomed and entitled, and which will encourage him to remain? At least seven loans have been made to motor repairers willing to establish themselves in such places as Carnarvon, Karratha, Wyndham, Port Hedland, and Kununurra, and other such loans are being negotiated at Roebourne and Exmouth.

Mr. O'Neil: Subject to Government guarantee?

Mr. TAYLOR: Very possibly, yes; but then this would also apply if a private insurance company were to lend the money.

These loans are intended to complement the motor policies S.G.I.O. is happy to sell to people up north, which few, if any, other companies will. In making these loans, it is able to provide its clients, and for that matter the clients of all its competitors who take their cars up north, with the service to which they are entitled if they have an accident.

Amongst other loans to private industry in the country are loans to the woollen industry in Albany, a seed works in Moora, a hospital for incurables in Bunbury, the tourist industry in Kununurra, the meat industry in Wyndham, and the rural industry in Wandering and Narrogin. There have been few applications for homes in the country, but housing loans have been made in Kununurra, Nabawa, Esperance, and Northam.

The only other thought I would like to leave with members before departing from the subject of investments in general and investment in country areas in particular, is that if the S.G.I.O. is able to do all this within its limited franchise, how much more would it be able to help these people if it were given a full franchise, and is it not patently preferable to have these funds available for investment in Western Australia where the Government of the day wants them, than possibly to see them go outside the State and benefit other than the Western Australian public generally?

It is appropriate that I should make some special comment on the inclusion of life assurance in this Bill. I do not think anyone would seriously deny that the S.G.I.O. has both the expertise and the funds to go straight into non-life business, expertly and efficiently if given the chance, because already it writes some 40-odd different types of insurance. But the S.G.I.O. has not written life assurance before, and there will be those who will cast doubts on its ability to enter this field without a substantial Government contribution. There will also be those who will claim it has no experience in life business.

Let me say at the outset that the S.G.I.O. is the first to admit that it has not the expertise at present. But neither did many general companies who recently went into life business have any expertise. They managed to cope by buying it, and the State office will do just that. It will advertise for and select the right man and after proper planning, it will enter the life field.

If necessary, it will appoint its own actuary, and as there is not a resident Government actuary, the appointee could be of use to other Government departments.

Mr. O'Neil: I thought all officers in the State Government Insurance Office would be public servants. How could they do all these things without the approval of the Public Service?

Mr. TAYLOR: In regard to the Crown Law Department, I said that the facilities are already paid for. The same would apply to the State Government Insurance Office.

One of the new free enterprise companies with its head office in this State, recently went into life business and appointed its own actuary. The S.G.I.O. does not expect to have any difficulty getting the required expertise.

I should comment on the interjections. I had thought that the provisions in this Bill might be approved of in general.

Mr. O'Neil: The interjections have helped you to present a fairly long speech.

Sir David Brand: We will leave the Upper House to deal with this one.

Mr. TAYLOR: In the past, assistance was offered by the State offices in New South Wales and Queensland, and if necessary, these could be called upon.

As for the Government having to make a substantial grant to the S.G.I.O. to allow it to compete in bonus payments in the initial years with the established life companies, let us look at the experience of the Government office in New South Wales when it first entered the life field in 1942. To establish its life assurance fund, which we know must be kept entirely separate from the transactions in general business, the Government made a grant of $100,000. That was the sum total of the Government's contribution; and, in fact, this money has been repaid tenfold since in contributions to the State Treasury by way of tax.

In its first year, the Government Insurance Office, New South Wales, wrote only 337 life policies for sums assured totalling $312,000. In its second year, it wrote 1,702 life policies for sums assured of $1,900,000. Within five years, it was writing 3,000 new policies per annum, and the life assurance fund stood at just under $1,000,000. This growth took place smoothly and without disruption to the established life market or to their staff.

It is not anticipated that the picture will be any different in this State.

Just in case it is argued that the market is already over-supplied and that there is no room for another life office, let us look at recent trends as disclosed in the Life Insurance Commissioner's reports and in Press reports on life office financial results.

In 1950 there were 22 life companies registered under the Commonwealth Life Assurance Act, 1945, of which 19 were controlled in Australia and three from overseas. By 1969, the number had grown to 47, of which only 14—down five on 1950—were controlled in Australia, and 33—up 30—from overseas.

This overall growth reflects the attraction to overseas companies of Australia's rising standard of living and population, with its accompanying growth in life policies sold, and in increased sums assured, but most importantly, it also indicates that overseas companies appear to have been the major beneficiaries in Australia's prosperity as reflected in life assurance.

There is absolutely no valid argument that can support the entry of 30 overseas companies in 20 years and reject the entry of one wholly Western Australian office. The commissioner's 1970 report shows that there were 41 companies actively selling life assurance in Australia, whilst in Western Australia, there were about 19 companies selling life assurance only, with a few of the general companies selling some life. It would be difficult on these figures to claim that our market is overcrowded, and it is presumptuous of life offices already in practice in Western Australia to deny the right of choice to those members of the public who wish to support a Government office.

Finally, let me quote some figures from *The West Australian* of the 5th May, 1971, regarding the 1970 operations of probably the biggest mutual life office; that is, the A.M.P. For the first time, its surplus exceeded $100,000,000. Its premium income was $301,000,000, and its investment income a further $144,000,000. Its total income rose by $52,000,000 in 1970 and its assets grew to $2,477,000,000. I do not decry these results. They are excellent, and doubtless, the use of its funds has benefited many people throughout Australia. But this does not have the same point as if our own Government office were to handle some small part of the total Western Australian life account, and it is a little disappointing to think that the life offices want to keep the whole field to themselves.

There is one more important aspect of this Bill that has not been given the emphasis it deserves. It is a provision, too, that I think the private enterprise companies will support. I refer to the power given to the general manager to accept reinsurances offered by another insurer, whether or not the risks are situate inside or outside the State. In effect, the risks may be situate anywhere in the world.

It is well known in the insurance industry that one of the major problems facing insurance today is lack of capacity to absorb the higher risks on offer in both the physical and the liability classes. It is a world-wide problem and, in its small way, the S.G.I.O. can help to provide some capacity and assist on the international scene.

Furthermore, both the New South Wales and, particularly, the Queensland State offices have demonstrated that this can be done with some considerable profit to the office. With judicious underwriting, this facility extends the basic insurance principle of spreading the risk and the office will not be completely subject to the vagaries of catastrophes in one geographical region, but its interests will become world-wide.

May I close my remarks by reminding members of the basic thinking behind this Bill. Its intent is to widen the franchise of the S.G.I.O. from its present restricted base and to authorise it to engage in all classes of insurance and reinsurance business, including life assurance, within the limits of this State, and also to accept reinsurances whether the risks are situate inside or outside the State. It is equally intended that this Bill shall allow the S.G.I.O. to enter these fields with neither advantage nor disadvantage over its private enterprise competitors. In my opinion, the Bill achieves this purpose and I commend it to the House.

Debate adjourned, on motion by Mr. O'Neil.

QUESTIONS (18): ON NOTICE

1. MURDOCH UNIVERSITY PLANNING BOARD

Members

Mr. COURT, to the Minister for Education:

Would he please list the members of the Murdoch University Planning Board and the dates of the appointment of each member to the board?

Mr. T. D. EVANS replied:

1st July, 1970—

Professor N. S. Bayliss, Chairman.
Mr. P. R. Adams, Q.C.
Mr. J. J. Ahern.
Mr. S. B. Cann.
Dr. M. R. Gardiner.
Mr. R. M. Hillman.
Mr. A. W. Anderson.
Professor G. C. Bolton.
Professor E. J. Edwards.
Professor R. J. Moir.
Professor W. J. Simmonds.

4th May, 1971—

Sir Stanley Prescott (replacing Dr. K. G. Tregonning).

1st April, 1972—

Mr. K. N. Birks.
Mr. K. C. Beazley.

They will become additional members to the board but initially have been appointed to take the place of the two other members who are going on leave. On the return of such members the two new members will become additional members to the board.

2. NATIONAL FITNESS COUNCIL AND YOUTH COUNCIL

Legislation

Mr. COURT, to the Minister for Education:

(1) Further to his answers to my question 13, 19th April, 1972, will he please advise whether the organisations affiliated with National Fitness Council and the Youth Council have been consulted about the proposed legislation in addition to an approach to the two councils named?

(2) Will the new legislation change the age range of youth covered under the legislation, and, if so, what will be the new ages—both upper and lower limits?

Mr. T. D. EVANS replied:

(1) As the affiliated organisations are represented on both councils, separate consultation with each organisation was not considered necessary.

(2) No age range will be specified in the new legislation. It is proposed that the new body should be left free to impose any age limits it considers desirable.

3. STAMP DUTY ON RECEIPTS

Refunds: Processing

Mr. R. L. YOUNG, to the Treasurer:

(1) Has additional staff and equipment been employed to process applications for refund of receipts duty?

(2) If so, what is the additional annual cost to the Commissioner of State Taxation in the processing of such applications?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) For the first twelve months the estimated additional cost of processing applications is $22,000.

4. MOTOR VEHICLES

Registries

Mr. O'NEIL, to the Minister representing the Minister for Police:

(1) Would he supply the postal addresses of each motor vehicle registry in Western Australia?

(2) Would he indicate whether inspection of records of registration to identify owners is permitted, and, if so, under what circumstances and at what cost?

(3) In the event that all information requested is not available from departments under his control, would he liaise with the Minister for Local Government in order to obtain such information?

Mr. BICKERTON replied:

(1) All local authorities except those in the metropolitan traffic area and the country shires listed below, who have handed control of the licensing of vehicles over to the Commissioner of Police, have their own motor vehicle registry—

Esperance
Ravensthorpe
Manjimup

Busselton
Lake Grace
Merredin
Wyndham-East Kimberley
Broome
Ashburton
Murray
West Kimberley.

(2) The Police Department maintains a central register for all vehicles which have to be licensed with the Commissioner of Police and any person, on payment of a search fee of 50 cents, can obtain the name and address of the owner of a vehicle if they can advise the vehicle number.

This information is supplied free to any other licensing authority.

(3) It is not known if all local authorities offer the same service as shown in (2). However, the matter will be referred to the Minister for Local Government and the information supplied when available.

5. WHOLE MILK PRODUCERS

Licenses

Mr. I. W. MANNING, to the Minister for Agriculture:

(1) What number of applications for a whole-milk producer's license are held by the milk board?

(2) In which districts are the applicants located and what is the number in each district?

(3) When were licenses last issued, to which districts, and in what number?

(4) When will further licenses be issued, and to which districts can it be expected these will go?

Mr. DAVIES (for Mr. H. D. Evans) replied:

(1) and (2) Applications for new dairyman's licenses held by the Board—

District	Applications
Armadale-Kelmscott Shire	2
Busselton Shire	54
Capel Shire	10
Collie Shire	1
Dardanup Shire	5
Harvey Shire	20
Murray Shire	8
Serpentine-Jarrahdale Shire	8
Waroona Shire	14
Albany Shire	12
Denmark Shire	7
Plantagenet Shire	5
Total	146

(3) New dairyman's licenses were last issued in February 1972 as follows—

District	Licenses
Busselton Shire	30
Capel Shire	3
Dardanup Shire	2
Harvey Shire	2
Waroona Shire	1
Total	38

(4) Subject to estimated milk market requirements new dairyman's licenses applications are approved in November each year, for licensing in February fifteen months later.

In November, 1971 the board decided that estimated milk market requirements did not justify the issue of new dairyman's licenses in February, 1973 and no applications were approved.

Further licenses will be issued when warranted by milk market requirements. The required number of applications are approved by selection of applicants according to merit and not to the district in which they are located.

6. LAND

Elderly Citizens' Village: Rockingham

Mr. RUSHTON, to the Minister for Lands:

(1) Will he approve the Shire of Rockingham's request for crown land on which to establish an elderly citizens' village?

(2) If so, when will the land be made available?

Mr. DAVIES (for Mr. H. D. Evans) replied:

(1) and (2) The request is under consideration. The land nominated by the shire council has already been subdivided for residential purposes at the request of the council. Approval of this latest request will affect the financial viability of the residential subdivision, and the council has been requested to elaborate on its proposals.

7. BUILDING SOCIETIES

Home Builders Account: Advances

Mr. O'NEIL, to the Minister for Housing:

(1) Is the State Housing Commission withholding half of the advance from the home builders account to building societies to cater for prospective purchasers of State Housing Commission houses from these funds either as a general policy or in specific instances?

(2) If so, would he explain the reason why and whether this procedure has the approval of the Commonwealth Minister for Housing?

Mr. BICKERTON replied:

(1) As a general policy.

(2) The procedure is specifically designed to ensure that the lower income home seekers in this State for homes are adequately serviced as to type and value of home suitable for their needs. It was considered that the State Housing Commission purchase scheme was more in keeping to meet this requirement and would avoid lengthening the waiting periods.

The scheme and its procedure was fully explained to and approved by the Commonwealth Minister for Housing.

8. *This question was postponed.*

9. KINDERGARTENS

Government Inquiry

Mr. RUSHTON, to the Minister for Education:

(1) Has the inquiry sought by the kindergarten teachers association into the administration of pre-school education by the kindergarten association been initiated by the Government?

(2) If "No" is an inquiry into pre-school education being carried out?

(3) If "Yes" to (1) or (2), what are the terms of reference for the inquiry?

(4) Who are the persons and their backgrounds who are carrying out the inquiry?

(5) What is the Government's policy towards pre-school education, referring particularly to—

(a) Commonwealth control;

(b) State control;

(c) association control;

(d) compulsory attendance for five year olds;

(e) voluntary attendance as at present?

(6) Does the Government intend to intervene in the dispute between the kindergarten association and the kindergarten teachers association over the working hours?

(7) If "Yes" in what way?

(8) If "No" will the Government meet the association's expected deficit this year of $79,372?

(9) If "No" to (8), does the Government expect the parents to find the deficit?

Mr. T. D. EVANS replied:

(1) and (2) No.

(3) and (4) Not applicable.

(5) The Government's policy does not envisage any change in the present control of pre-school education.

(6) No.

(7) Not applicable.

(8) and (9) The Government will review its grant to the Association when the financial results for 1972 are known.

10. MOORA HOSPITAL

Matron's and Nurses' Quarters

Mr. LEWIS, to the Minister for Health:

(1) Have the matron's house and the nurses' quarters at Moora been condemned and demolished?

(2) Were replacements promised for completion earlier this year?

(3) What has caused the delay in commencement of the replacements?

(4) When is it expected that the buildings will be completed?

Mr. DAVIES replied:

(1) The nurses' quarters building which included a flat for the matron became structurally unsafe and has been demolished.

(2) Yes.

(3) The completion of tender documents was delayed due primarily to pressure of work.

(4) A contract has been let and this calls for the completion of the houses by the end of November.

11. CROSSWALK

Albany Highway, Kelmscott

Mr. RUSHTON, to the Minister representing the Minister for Police:

(1) Will he authorise immediately a suitably signed and lighted pedestrian crosswalk across Albany Highway, Kelmscott?

(2) If "No", will he have a review of the pedestrian/vehicular conflict on the Albany Highway, Kelmscott shopping area, due to the continuing extensive growth in the number of local shops and population?

(3) Has a review of the speed limit through Kelmscott township been completed?

(4) Will he have the speed limit through Kelmscott reduced to 35 m.p.h.?

Mr. BICKERTON replied:

(1) No. The established warrant for such a facility is not met.

(2) Such a review has been undertaken and a proposal for median island provision along Albany Highway through the Kelmscott townsite prepared. The council has recently endorsed this proposal to facilitate and safeguard pedestrians crossing the highway over the length of the frontage shopping development.

(3) Yes.

(4) No. Operating speeds under the zoned 40 miles per hour speed limit have been shown to be less than under the metropolitan blanket 35 miles per hour limit previously in force.

12. CRUISING YACHT CLUB

New Site

Mr. RUSHTON, to the Minister for Town Planning:

(1) Were the—

(a) Town Planning Department;

(b) Shire of Rockingham;

(c) Kwinana committee,

consulted over the siting of the Cruising Yacht Club near Alexander Street, Rockingham?

(2) Who made the final decision for the siting of the club?

(3) When was the decision taken?

Mr. GRAHAM replied:

(1) to (3) The Minister for Works regrets that in his reply to questions on the 11th April the recent decision of Cabinet, which involved resiting of the proposed yacht club, was overlooked, as in fact the new site approved is adjoining the proposed outer harbour based on Point Peron in the vicinity of Hymus Street.

I might add that this could be readily ascertained by reference to the plans which were laid upon the Table of the House.

13. POLICE TRAINING SCHOOL

Cancellation of Course

Mr. RUSHTON, to the Minister representing the Minister for Police:

(1) Has a recently planned course for the police training school been cancelled?

(2) If "Yes" what was the reason?

(3) How many recruit trainees were involved?

(4) Were they for replacement purposes or to increase the number of policemen?

(5) How many of the recruit policemen had resigned from their previous occupations before being made aware of cancellation of the course?

(6) What is the present employment situation for these recruit policemen?

Mr. BICKERTON replied:

(1) No.

(2) to (5) Answered by (1).

(6) If and when approval is given to increase the strength of the police force, recruiting will proceed in the normal manner.

14. RAILWAYS

Electrification and Sinking of Line

Mr. O'CONNOR, to the Premier:

(1) Is he partial to the views of Mr. E. Booth on the Perth underground railway system?

(2) Would this proposal be as efficient and less costly than the recent Government proposal?

(3) Has he seen Mr. Booth's letter of 4th April stating that "Cabinet has chosen to ignore me and, at the same time, to pirate and then distort the essence of my ideas"?

(4) If so, is this statement true?

Mr. J. T. TONKIN replied:

(1) Yes, and it is recommended that Mr. Booth confer with the Perth Regional Transport and Co-ordinating Committee.

(2) The comparative efficiency and cost can not be estimated at present.

(3) and (4) Yes. Cabinet has adopted a concept of which the final details of the route to be followed and method of construction have yet to be determined.

15. COMMONWEALTH CONSTITUTION CONVENTION

Local Government Representation

Dr. DADOUR, to the Attorney-General:

What was the decision of the recent Attorneys General conference concerning the admission of local government bodies to be present at the constitutional convention to be held at Albury, New South Wales, in September, 1972?

Mr. T. D. EVANS replied:

The steering committee of attorneys for the constitutional convention cannot strictly make decisions but only recommendations to their respective State Governments.

The committee took note of requests by local government authorities and others to be represented at the convention. It was recognised that these claims for representation would have to be considered by the respective Governments and Parliaments, but

confirmed its recommendation that the delegates should be members of Parliament.

The possibility of establishing accredited observers to the convention so as to enable local government and other bodies to be involved is under consideration.

16. HOUSING

Bricklayers

Mr. MENSAROS, to the Minister for Housing:

(1) Is it a fact that bricklayers working for State Housing Commission contractors are threatening to stop work?

(2) If so, is this threat in connection with demand for higher sub-contract prices and/or for conditions that the bricklayer be paid on weekly wages?

(3) Would this demand not mean that the bricklaying sub-contractors already working are in fact breaching their respective sub-contracts with the contractors of the Housing Commission?

(4) Does he know whether this unusual demand for substantially higher sub-contract prices than those prevailing today was set with the aim of trying to force the Housing Commission to abandon its policy of contracting and have work done by day labour?

(5) What is his or the Government's attitude towards such contention?

Mr. BICKERTON replied:

(1) Yes.

(2) to (4) Not known to the commission.

(3) The State Housing Commission is continuing to call firm price tenders for its State-wide building programme.

17. TRAFFIC ACCIDENTS AND LIGHTS

Cambridge-Selby Streets Intersection

Mr. MENSAROS, to the Minister representing the Minister for Police:

(1) How many—

(a) fatal;

(b) non-fatal,

road accidents were reported having occurred on the corner of Cambridge and Selby Streets during the past five years?

(2) Is he aware that a serious accident happened on that intersection only on the 26th April involving one death?

(3) Will he give assurance that traffic lights will be installed on that intersection prior to dual carriageway being built on Selby Street?

Mr. BICKERTON replied:

(1)—

Year	Fatal	Injury	Property damage	Total
1967	0	1	14	15
1968	0	2	7	9
1969	0	1	9	10
1970	0	0	17	17
1971	1	7	13	21
1972 (to April)	1	0	3	4
Totals....	2	11	63	76

(2) Yes. It is assumed that the fatal accident occurring on 25th April is the one referred to.

(3) No. The provision of traffic control signals within the metropolitan area is assessed for priority on the basis of volume of traffic, accident record and potential traffic hazard. At this point in time there are a number of other intersections which have higher priority for provision of traffic control signals.

18. PRISONS

Gary Cook: Release for Studies

Mr. COURT, to the Minister representing the Chief Secretary:

(1) (a) How much has the State Government paid to cover university and other fees and expenses for Gary Cook;

(b) how much more is involved if he completes his full term of imprisonment?

(2) (a) What is the nature of the offences of other prisoners released to attend university or similar lectures;

(b) how many are there;

(c) are any of them—other than Cook—imprisoned for offences under Commonwealth law, and, if so, what is the nature of their offences;

(d) what conditions have to exist for prisoners to be released to attend university or similar lectures;

(e) who determines the eligible candidates for release to attend lectures, etc.;

(f) on what date did Cook request leave to go to the university;

(g) on what date was his request referred to the classification committee, and on what date was it approved by them;

(h) on what date did he attend his first lecture since his imprisonment;

(i) (i) was the procedure for Cook's release identical with all other prisoners who are authorised to attend lectures;

(ii) if not, in what particulars does it differ?

Mr. TAYLOR replied:

(1) (a) $210.00.

(b) Nil.

(2) (a) Breaking and entering, stealing, stealing and receiving, motor vehicle offences, murder.

(b) Six at the present time.

(c) No.

(d) Prisoners must prove to the satisfaction of the Chief Secretary that they have a genuine desire to improve their educational standard while incarcerated and show how much education will assist their rehabilitation on release.

(e) Following investigation by departmental officers, the file is forwarded by the Director of Corrections to the Chief Secretary for approval.

(f) On 27th January, 1972 the classification committee referred the case of inmate Gary Cook to the department's social work supervisor. As a result of this referral the social work supervisor reported that Cook wished him to instigate procedures for him to attend the university.

(g) On 24th February, 1972 a report of university study arrangements prepared by the department's social work supervisor was referred by the director to the Superintendent, Treatment and Training Branch, for noting and subsequent placement on the classification file. Leave to attend university was approved by the Chief Secretary on 15-3-1972 and noted by the classification committee on 30-3-1972.

(h) 22nd March, 1972.

(i) (i) Yes.

(ii) Answered by (i).

QUESTIONS (6): WITHOUT NOTICE

1. PRISONS

Gary Cook: Release for Studies

Mr. WILLIAMS, to the Attorney-General:

(1) Is Gary Cook still being allowed to attend university lectures?

(2) If not, what are the specific reasons?

Mr. T. D. EVANS replied:

(1) No.

(2) Gary Cook was charged with a breach of prison discipline and appeared before a visiting magistrate on the 14th April, 1972.

2. CLOSING DAYS OF SESSION: FIRST PART

Sittings of the House

Mr. NALDER, to the Premier:

In view of the fact that several of our members have obligations and commitments which must be met can the Premier give the House any information as to what plans he may have for the sitting of the House for next week? Can he inform the House whether the sitting times are likely to be changed?

Mr. J. T. TONKIN replied:

It is intended to sit next week for hours similar to the ordinary sitting hours, with the exception that I propose we shall sit after tea next Thursday and after tea on the following Thursday. Should there be too much work on the notice paper which the Government desires to have passed, we shall probably adjourn over the week the Presiding Officers' Conference is being held and reassemble again for further sittings of Parliament until such time as the business is completed. This will, of course, depend entirely on the progress we make.

3. ROAD MAINTENANCE TAX

Incorrect Figures

Mr. O'CONNOR, to the Premier:

This is not the question of which I gave the Premier some notice, because that is irrelevant at this point of time. Following the Premier's personal explanation today, and in view of the fact that since last July this is the second time the same errors have occurred concerning the same matter, will he give the House an assurance that in the future such figures will be more closely checked to ascertain their correctness, bearing in mind that some of the figures quoted were in excess of 800 per cent. inaccurate and that they were made public?

Mr. J. T. TONKIN replied:

I do not blame the member for Mt. Lawley for taking advantage of the error I committed; but to give the assurance he asks would be to put myself in an impossible position. I considered that I took reasonable steps to assume correctly that the figures being supplied to me through the Minister for the department would be accurate figures upon which I could rely. Unfortunately, however, not sufficient detail was submitted to

make it certain that there was to be a distinction drawn between charges and individuals.

Mr. O'Connor: This occurred in July.

Mr. J. T. TONKIN: I have since submitted the figures which I had and I am prepared to submit them to the honourable member to see what conclusion he would come to. I have submitted these figures to several of my colleagues and have asked them what conclusion they would have reached on the manner in which the figures were submitted. Without exception they all said they would have come to the same conclusion. I am not excusing what was done, and I am prepared to submit the figures to the Leader of the Opposition and take the risk that he will answer frankly and see what conclusion he would have come to had he received figures of this nature.

Sir David Brand: I always endeavour to answer frankly. All I want to know is what you would have said had you been on this side and had I been on the other and made the same error.

Mr. J. T. TONKIN: That is up to the individual. I will take all that is coming to me; the Leader of the Opposition need not worry about that. He need not think this does not concern me very greatly. How can I give the assurance sought, however, unless I attend to every detail myself and, as the Leader of the Opposition will know, that is physically impossible. The only way in which I could give an assurance that the figures I will use in this House are correct would be for me on every occasion I use such figures to get them out myself. This, of course, is physically impossible as the member for Mt. Lawley will himself know.

Mr. O'Connor: I agree with that point.

Mr. J. T. TONKIN: This is not the first time incorrect figures have been given to any Parliament—either to this Parliament or to any other—and long after we have gone incorrect figures will, in good faith, continue to be given to Parliament. All that one can do in the circumstances when the question is raised is to endeavour to ascertain what the true position is and, as quickly as possible, make the position known. I say again that I unreservedly apologise for the error for which I was responsible. I have taken the earliest possible steps to rectify the position as this lies within my power to do. Having regard for the experience I have had on this occasion I shall exercise even more scrutiny with regard to figures which come to me from various sources—even if they come from the Opposition.

4. RAILWAYS

Electrification and Sinking of Line

Mr. O'CONNOR, to the Premier:

In his answer to question 14 on notice today the Premier admits that Cabinet has chosen to ignore Mr. Booth and at the same time to pirate and then distort the essence of his ideas. If this is so, will he give an undertaking to compensate Mr. Booth in this matter?

Mr. J. T. TONKIN replied:

This question is quite unreasonable because the answer to question (1) recommends that Mr. Booth confer with the committee.

Mr. O'Connor: I was referring to questions (3) and (4).

Mr. J. T. TONKIN: If he confers with the committee he will be able to ascertain the situation and the possibility of the results of his service in connection with the proposals he submitted to the previous Government—and of which the previous Minister was inclined to take no notice at all—and of those which he has submitted to this Government.

5. CLOSING DAYS OF SESSION: FIRST PART

Sittings of the House

Sir DAVID BRAND, to the Premier:

Further to the question asked by the Leader of the Country Party and the Premier's reply thereto that he would be prepared to sit after the week's break made necessary because of the Presiding Officers' Conference, does he agree that in this case it is not necessary to rush all these important Bills through at this point of time, particularly if it is not absolutely necessary that the House adjourn on the 11th May.

It must be borne in mind that the Legislative Council has passed only five or six Bills up to the present time. It does not seem possible, with all the goodwill in the world, that all the legislation can pass through both Houses in the time available. Therefore, I ask the Premier: Is he prepared to indicate what legislation the Government considers essential to be

passed through both Houses by the time he first indicated—the middle of May?

Mr. J. T. TONKIN replied:

Firstly, I do not agree that there has been any attempt on the part of the Government to rush the legislation through. Quite the contrary. There have been no late sittings so far and we have refrained from sitting on Thursday evenings. There are now only two weeks left before the date on which I indicated Parliament would rise. Having regard for the business on the notice paper—

Sir David Brand: That is what I am talking about; not what has happened in the past.

Mr. J. T. TONKIN: I have quite clearly stated that it would appear it will become necessary for us to sit well beyond the period we anticipated. It is not my intention to sit late or to rush Bills through. If the Leader of the Opposition gives this matter a little thought, he will realise that we did not raise the slightest objection to a number of one-week adjournments moved this afternoon.

Sir David Brand: That is quite right; they were major Bills. If you look in *Hansard* you will see we did the same thing.

Mr. J. T. TONKIN: As a reference has been made to my reply when I was on the other side of the House, I would like to state that I can recall one memorable Bill to amend the Electoral Act which would have brought about a redistribution.

Sir David Brand: How far back is that?

Mr. J. T. TONKIN: We asked for a week's adjournment which the Government of the day refused on the ground that there was little time left before Parliament rose. The Leader of the Opposition should keep instances like this in mind.

Sir David Brand: There are other instances I can bring to mind as well.

6. TIMBER: PINE

Market, and Effect on Mills

Mr. BLAIKIE, to the Minister for Forests:

(1) What is the current market situation regarding sales of pine from departmental mills in this State?

(2) Is it a fact that some of these mills may be facing closure?

(3) If "Yes" to (2), where are the mills concerned situated and what steps have been taken to provide those men concerned with alternative employment?

Mr. DAVIES (for Mr. H. D. Evans) replied:

(1) During the past three months sales of sawn pine have eased considerably.

(2) Production has continued on a reduced basis and on present indications closure of mills can be avoided.

(3) Alternative employment has been found for some mill employees, to the limit of available funds. Should the position fail to improve during the next four weeks, however, retrenchment of several employees could be forced at Margaret River.

Sitting suspended from 3.55 to 4.08 p.m.

TRAFFIC ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Bickerton (Minister for Housing), read a first time.

BILLS (2): RETURNED

1. Education Act Amendment Bill.
2. Parks and Reserves Act Amendment Bill.

Bills returned from the Council without amendment.

WOOD DISTILLATION AND CHARCOAL IRON AND STEEL INDUSTRY ACT AMENDMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [4.10 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Wood Distillation and Charcoal Iron and Steel Industry Act to confer borrowing powers on the industry. These borrowings are to be subject to the approval of the Treasurer and the Minister.

From time to time the industry requires capital funds to meet the cost of updating plant, expending existing plant, or adding new items.

The reason for bringing this Bill forward at this stage is that the industry has recently made an application for an amount of $700,000 for capital purposes to expand the existing foundry located at Wundowie.

Since the management of the industry reverted to a Government-appointed board four years ago, it has maintained profitability. During this period total profits of $259,000 have been earned. In

the last four years all debt charges have been met, and the not insubstantial increases in costs absorbed without incurring losses.

The plant has been brought to a high level of efficiency consistent with reasonable expenditure, and this has substantially assisted in maintaining profitable operations. However, any further improvements to the present plant would produce only very marginal gains.

Despite past performance, the board now faces a very difficult task in continuing the industry at a profitable level as a result of last year's unprecedented wage rises and a sharp fall in overseas pig iron prices, which are largely responsible for turning a profit of in excess of $90,000 last year, into a possible loss of over $250,000 in the current year.

The fundamental reason the industry experiences periods of serious losses and reasonable profitability is found in the market price for its products. Its main product is pig iron, the market price of which is governed by world conditions; whereas the industry's costs immediately respond to changes in Australian conditions. The levels of these two elements often operate in opposite directions.

For example, its present financial problems arise from movements of these two factors. These are the fall in price of pig iron as a result of a recession in Japan—that country being our principal customer —combined with the large increases recently granted by the Australian wage-fixing authorities.

Because of the foregoing factors, it was evident that a substantial shift in marketing emphasis is necessary if the industry is to survive such rapid escalations of costs. The board, therefore, decided to investigate appropriate ways of recovering a greater proportion of the industry's costs from the Australian market.

The results of the small foundry installation now operating have been very satisfactory, and this unit has considerably contributed to profits in the past four years.

A feasibility study showed that the introduction of an automatic moulding process would be sufficiently profitable to more than offset the projected losses of the existing plant, subject to the industry gaining a share of the market, and so place it in a profitable position in the future.

The alternative is to face closure of the industry, with all of the social and economic consequences which that would entail. These can be summarised as follows:—

Complete destruction of a decentralised industry.

Loss of employment by 400 men and women at a time when the labour market is very difficult.

The virtual closing down of a country town with the consequent writing off of Government investment in housing, a school, sewerage works, water supply, and electricity reticulation, together with the private investment in houses, shops, a fully equipped club, and a swimming pool. It is estimated that Government investments in the area would total some $3,500,000, to which must be added the electricity reticulation, private investment in the club, and other private assets.

Families would have to be relocated.

Annual contribution to the country areas water supplies, railways, State Electricity Commission, Fremantle Port Authority, and other Government organisations of in excess of $1,000,000 per annum would cease.

Export income of over $4,000,000 per annum would be lost.

There would be economic repercus-cussions on the Northam district and servicing industries in the metropolitan area.

In the past the capital requirements of the industry have been provided from the State's General Loan Fund. Currently loan funds of $1,300,000 are invested in the industry.

Because the State's capital funds are limited, and are heavily committed, the proposals contained in this Bill will allow the industry to obtain its future requirements from the market.

Borrowings by the industry are to be approved by the Minister and the Treasurer. Also the rates, terms, and conditions will have to comply with Loan Council requirements.

Under the arrangements proposed, the industry will normally be permitted to borrow up to $300,000 per annum if it needs additional capital.

By borrowing at this level, it will not interfere with the State's semi-Government loan allocation and, therefore, not reduce the borrowing authority for those organisations which borrow in excess of $300,000 a year, nor will it need to seek an allocation from our heavily committed State loan funds.

In other words, it may borrow for its capital resources without imposing any reduction on other works financed either from loan funds or semi-Government raisings, nor will it have any effect on the amounts borrowed by the smaller local authorities because, under existing arrangements, any statutory authority may be permitted to borrow up to $300,000 per annum on such terms and conditions as are approved by the Australian Loan Council, without any restriction on the number of authorities so borrowing.

The proposed foundry expansion can be financed within these limits without being a burden on State loan funds.

Mr. Williams: How did all the loss come about because they put up their prices as the wages rose, to the local consumers, anyhow?

Mr. GRAHAM: As a result of the two factors I have mentioned—the wage increases on the one hand and the lowering of the price on the other.

Mr. Williams: But their prices to the consumer have gone up as well.

Mr. GRAHAM: Obviously not to a sufficient extent to offset the differences I have already outlined.

Mr. O'Neil: This would probably be the umpteenth crisis that industry has been through. It has been a difficult industry for a long time.

Mr. GRAHAM: That is true, but nevertheless it plays an important part in our economy; and the alternative to its expanding in the direction indicated—and this is the consequence of a feasibility study undertaken—would be tragedy for that centre and the surrounding area.

Mr. O'Neil: Governments must have regard for things other than the cold, hard economics.

Mr. GRAHAM: Yes—the number of people involved and the capital expenditure involved. In other areas, for instance where the mining of minerals takes place, when the ore is exhausted no alternative exists but for the town to fold up; and that has some frightening consequences to many people.

Mr. O'Neil: It might be a site for a casino.

Mr. GRAHAM: I do not know how many can be catered for. The position is that without any drain on the loan funds of the State—because, if this Bill is passed, the industry would have its own capacity to borrow—and without any impact on the revenue we would hope that with this increased development it would be possible for the industry to be more or less at a balanced state. Therefore, without any drain on governmental funds we would hope that the reasonably large community and all associated with it would be allowed to continue and that the industry would be able to sustain itself.

Furthermore, we hope the industry will go from strength to strength because I suppose all of us are hopeful that the downturn in demand from Japan and elsewhere, and in prices, will not be a permanent feature.

Mr. Williams: Before you conclude, Wundowie would be suffering from considerable competition from the ordinary blast furnace operations in other parts of the world because of the control they have over the blast operations of pig iron.

Mr. GRAHAM: That would be so; and that is the principal reason no suggestion has been made that an increase should be made to the pig iron process which would rely largely on overseas markets, but to give the emphasis to a service for the local market.

I have some documents here and I would have no objection to the member from the other side of the House who is handling the Bill on behalf of the Opposition having access to them. They indicate precisely the situation. It is a matter of our making it possible for the industry to do something to look after itself or the Treasury subsidising heavily from revenue to allow it to continue; or, in the final extreme, allowing the industry to collapse. Neither of the last-mentioned alternatives is acceptable.

No new principle is being established. The Government feels this is the best way. Of course, if this Bill is not passed it would mean some of our loan moneys would have to be used at the expense of schools, public works, or something of that nature.

For these reasons approval is sought to empower the board of the industry to borrow the necessary finance in order to undertake the work outlined; and I commend the Bill to members.

Debate adjourned, on motion by Mr. Williams.

BILLS (4): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills:—

1. Iron Ore (Goldsworthy-Nimingarra) Agreement Bill.
2. Wood Distillation and Charcoal Iron and Steel Industry Act Amendment Bill.
3. Judges' Salaries and Pensions Act Amendment Bill.
4. State Government Insurance Office Act Amendment Bill.

HOSPITALS ACT AMENDMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Health) [4.30 p.m.]: I move—

That the Bill be now read a second time.

The Hospitals Act, 1927-1969, is the law which provides for the establishment, maintenance, and management of public hospitals in Western Australia, and it has not been amended to any large extent since its enactment in 1927.

The main purposes of this Bill are to update the Act and also to provide for the appointment of a teaching hospitals advisory council to advise in matters relating

to the provision, co-ordination, and utilisation of clinical and teaching facilities, services, and resources; to ensure co-ordination of hospital, medical, and teaching resources; to avoid unnecessary and costly duplication of hospital facilities; and to advise on any other matter affecting teaching hospitals.

In order that effect may be given to the recommendations of the teaching hospitals advisory council, the Minister must have the power to give directions to a board of management. The need for this direction extends to other areas where, at the present time, the Minister can only make recommendations to a board of management.

Administration of public hospitals in Western Australia is a major task, although this might not be generally realised. With the considerable growth of the State in recent years, it has not been possible to meet all the demands for buildings, services, equipment, and staff, and it is imperative that expenditure of taxpayers' funds be safeguarded in every possible way.

Although the number of public hospitals has grown from only 91 in 1950 to 120 in 1971, the number of available beds has increased from 3,404 to 7,056. The bed average has increased in round figures from 2,447 to 4,970, and the staff from 2,846 to 11,472.

The cost of operating hospitals has increased from $2,240,706 in 1950 to $38,489,399 in 1970-71, and despite the recent increase in hospital fees, the cost will rise to $42,601,000 in 1971-72.

Quite apart from the tremendously high cost of providing high quality service in teaching hospitals, the necessity under Commonwealth legislation to provide free treatment to pensioners in return for a mere $5 a day paid by the Commonwealth, and the high proportion of Aborigines among the public hospital population, are both major factors in producing such a heavy deficit.

Much has been done to improve the efficiency of hospitals, including the establishment of the most effective hospitals organisation and methods section in Australia. Because of substantial reductions in the average stay of patients in hospitals, particularly at some of the major hospitals, the throughput of patients has increased to the extent that, in the case of Royal Perth Hospital, the average stay has been halved from approximately 16 days in 1953 to approximately 8 days in 1970, and it is now probably as low as it can safely be. The reduction in stay has been achieved because of more effective diagnosis and treatment which involves many highly skilled staff and highly sophisticated equipment.

The State can be proud of the quality of hospital services, but the insufficiency of loan funds is causing great concern as without the injection of large sums into the public hospital construction programme the facilities necessary to treat the increasing population and the increasing road accident cases would inevitably become inadequate.

The capital cost of the hospital construction programme rose from $630,788 in 1950 to $9,197,353 in 1970-71. Although the State's financial position has enforced a reduction to $7,753,000 in 1971-72, there is an urgent need to increase capital expenditure substantially in the future to cope with the expanding population, particularly in the metropolitan and north-west areas. To carry out the highest priority hospital works would require more than $20,000,000 annually over the next five years. These figures highlight the necessity to do everything possible to husband our resources and obtain the greatest possible value for every dollar spent.

Because of major technological advances in many areas associated with hospitals and the much greater degree of sophistication of equipment, it is essential that new and expensive equipment should be installed in locations where it can give maximum benefit, and that unnecessary duplication should be avoided.

When considering the proposed amendments, it is necessary for members to bear in mind that there are more than 120 hospitals throughout the State, of which 55 are directly controlled by the Minister, whilst boards of management have been appointed to conduct the affairs of the remaining 65 hospitals.

Those controlled by hospital boards are broadly the major metropolitan teaching hospitals and the smaller country hospitals. Those directly controlled by the Minister are the smaller metropolitan hospitals and the larger country hospitals, including the regional hospitals and those in the north-west.

In considering the proposed amendments, therefore, it is important that the aspect of the country hospitals and the nonteaching metropolitan hospitals should not be overlooked. The teaching hospitals advisory council will relate only to the major metropolitan hospitals; that is, teaching hospitals. I will now deal with the proposed amendments.

Section 2 of the principal Act is to be repealed and re-enacted, with amendments, to update definitions in the light of many factors which have changed over the years, including Commonwealth legislation under which different benefits are payable for patients in hospitals and those in nursing homes. The new section 5A establishes the duty of the Minister to provide the services outlined.

The Minister is the board of management of 55 hospitals and the Medical Department is the central authority in relation to hospital services throughout the State. The new subsection (3) of section 6 is necessary to permit the Minister to appoint staff required to assist the department in relation to its responsibilities in the management of public hospitals generally throughout the State. This subsection does not relate in any way to the appointment of staff by individual boards of management.

There are several categories of staff, including engineering, organisation and methods, and radiography, where it is essential for the Minister to have the opportunity to appoint to the department supervisory staff with appropriate qualifications and experience in hospitals and allied services. It is also essential for the Minister to be able to appoint staff for the proposed new hospital laundry and linen service, which will serve many public hospitals.

The new section 6A provides for the establishment of a teaching hospitals advisory council. Provision has been made for members of the council to be representative of the Minister, the university, teaching hospitals, and the Western Australian Branch of the Australian Medical Association.

The definition of "teaching hospital" included in new section 2 will enable the proclamation of the names of the teaching hospitals from which such persons will be nominated. It is intended that the hospitals entitled to nominate will be Royal Perth Hospital, Sir Charles Gairdner Hospital, Fremantle Hospital, Princess Margaret Hospital for Children, and King Edward Memorial Hospital for Women, but not Claremont or Heathcote Hospitals.

Mr. Hutchinson: Do these hospitals agree with what is proposed?

Mr. DAVIES: I will say a few words about that shortly.

The duty of the advisory council is clearly indicated in subsection (5) of new section 6A. Subsection (3) of section 7 will be repealed and re-enacted, with amendments, as new section 7A.

In specifying in more detail the general powers of the Minister, it will permit the establishment of central facilities required for any hospital or group of hospitals which is more economical than providing facilities for each individual hospital. This particularly relates to laundry and linen services, catering, and X-ray laboratories.

There is provision for payments to non-profit organisations of interest on moneys borrowed for approved capital projects, and for subsidies in respect of the accommodation of frail aged persons, and in respect of other patients who are unable to afford the payment of reasonable fees.

We must remember the important contribution being made by religious and charitable organisations in respect of the provision of hospital, nursing home, and frail-aged accommodation throughout the State.

New section 12A is necessary to provide for a retirement scheme for practitioners, particularly senior medical specialists who, by reason of their specialties, do not regard their employment with the same degree of permanence as other employees, who would be expected to join the State superannuation scheme.

Senior specialists may be attracted to a teaching hospital in this State or to the north-west medical service to serve for a few years, but would expect to move to other States or overseas before the normal age of retirement.

A scheme has been operating for many years as an alternative to State superannuation and the new section validates what has been done in the past and permits the establishment of a scheme to be administered by trustees appointed by the Minister, and in accordance with rules to be approved by the Treasurer.

This is important and urgent because at the Royal Perth Hospital alone there are 15 medical practitioners who are not covered and are not able to join the scheme until the legislation is passed. It would be most unfortunate if any eligible practitioner whose application cannot be processed were to die.

New section 16 will safeguard the position of a member of a hospital board against any action in respect of his service as a board member.

New subsections (2) and (3) of section 18 will give the Minister, after consultation with a hospital board, the power to give directions to the board. This is essential for several reasons, but it is not intended that it will interfere with the normal day-to-day management of a hospital by a duly appointed board of management.

I have already explained that the teaching hospitals advisory council will advise the Minister of matters referred to in subsection (5) of new section 6A. It is essential for the Minister to have power to direct a board of management to implement the recommendations of the advisory council, otherwise the position would be little different from the situation pertaining today whereby there are attempts at co-ordination with some measure of success, but there are occasions when two hospital boards cannot agree on a vital matter.

There are other areas affecting hospitals throughout the State where the Minister needs to have the power to direct a board. At present the Minister can only recommend a particular course of action and a board may decide to take no notice of the Minister.

With the increasing degree of sophistication in hospital facilities, services, and equipment, it is clear that there must be an overriding authority to avoid unnecessary duplication of services and unwarranted expenditure.

In the matter of hospital fees, the Government decides the level of fees for public hospitals in relation to daily charges and outpatient attendance fees. Instances have occurred where a board of management is unwilling to adopt the Minister's recommendation following the Government decision.

New paragraph (g) of section 21 will permit a hospital board, after borrowing money under subsection (2) of section 17 of the principal Act, to on-lend such amounts borrowed to the Minister to provide centralised services. The Government has decided to establish a hospital laundry and linen service to provide for the requirements of public hospitals in the metropolitan area, and this provision will permit the whole of the capital funds required to be made available without affecting the State's loan allocation.

Under section 22 of the principal Act, a board may make by-laws in connection with the various matters specified. Paragraph (f) of the principal Act at present provides for "regulating the grant of nursing care by the public hospital to patients or other persons not being inmates of the public hospital." The amendment will provide for "hospital service" as defined under section 2. This will provide for the widening role of hospitals, particularly in the care and treatment of the aged. Everything possible must be done to keep patients out of hospitals by providing a more effective range of care, facilities, and services outside the hospital.

The amended paragraph (g) and new paragraph (ga) will give a board power to make by-laws in respect of a multitude of fees other than those specified under amended section 37.

Section 26(4) needs amendments so that the Minister will not appoint auditors to hospitals in respect of which he is the board of management. Auditors are appointed either by the Governor upon the recommendation of the Public Service Board or by charitable organisations. The amendment will permit such officers to act with the approval of the Auditor-General.

The amendments to section 27 are of minor importance. The present limitation of £500 is unrealistic in any situation where a local authority wishes to expend revenue from general rates on public hospitals. The 10 per cent. limitation is adequate. If the figure of £500 were increased it would be difficult to determine a reasonable amount having regard for the vast differences in the revenues of local authorities. This provision is rarely used.

The proposed new subsection (6) of section 33 will give a board the power to reduce or waive payment of any fees charged.

The penalty under section 36 of the principal Act has been increased from £10 to $100, which is a more realistic figure. This section has not been invoked for many years.

Section 37 of the principal Act provides that the Governor may make regulations, and paragraphs (c) and (d) of the proposed subsection (2) will permit the Governor to prescribe the fees that shall be chargeable for the provision of hospital service in, by, or on behalf of any public hospital and for any other matter under this Act.

At the present time the Government decides what the basic hospital charges will be and must then recommend the adoption of those fees to each board of management throughout the State. Each such resolution of a board of management is required to be published in the *Government Gazette*. Apart from the fact that some country hospital boards of management have been unwilling to pass the necessary resolutions, they involve considerable unnecessary administrative work and expense. It is essential that the fees determined by the Government should be applied uniformly to all public hospitals throughout the State.

The proposed new subsection (3) of section 37 is necessary as the Crown Law Department has advised that the power at present contained in paragraph (c) of subsection (1) should be amplified to make it clear that regulations can be drafted for particular circumstances and need not be of general application.

The schedule: These constitutional provisions will be common to the teaching hospitals advisory council and to hospital boards of management, and are self-explanatory.

Overall, the objective of the Bill is to endeavour to save money as far as hospital services in this State are concerned.

The member for Cottesloe asked me just now whether the appointment of a teaching hospitals advisory council had been considered by the boards of management of the teaching hospitals. As I said at the beginning of my speech, this Act has been amended only in minor ways since 1927. There has been a need for considerable change with the advancing years. Perhaps the member for Cottesloe can recall some of the difficulties he encountered during his term as the Minister for Health, and he will also be aware of some of the difficulties encountered by my predecessor. These fairly long amendments have been brought down because of

those difficulties and the need to rejuvenate the Act and bring it up to date in accordance with current practice.

When the amendments were presented to me early in my career as the Minister for Health, I sent them to all the teaching hospitals on a confidential basis. To say I was disappointed in their reaction would be to understate my reaction. I marked the document "Confidential" and sent it to all the teaching hospitals under cover of a letter also marked "Confidential." I sought their advice because I felt it was necessary to do so. They and the Medical Department had a big job to do and we wanted to know their feelings on the matter.

However, the teaching hospitals did not bother to contact the Medical Department immediately or reply to my letter, and I found the confidential document I had sent them had become as freely available throughout the medical profession in Western Australia as the morning newspaper. It was a slap in the face on the part of those people that they did not respect the confidence I had shown in them by supplying them wiith copies of the Bill. I was prepared to discuss with them any aspect of the measure.

When they finally decided that the proper thing to do was to come back to me, we were able to discuss in quite a rational manner the various points which they either could not understand or did not think were necessary. This was exactly what I wanted, and there was no need for any hysteria amongst the medical profession about what I was proposing to do, because it was basically what had been proposed by the previous Administration. But, of course, if a Labor Minister for Health does anything in regard to medical services he is looked upon as a bogey and his action is regarded as the first step towards nationalisation.

Let me say here and now that I have no intention of nationalising medical services. We cannot run medical services without the co-operation of the doctors, and it would be ridiculous for me to do the things they were reading into the Bill on which I sought their opinions. I am pleased to say that eventually we made some alterations to the measure by cutting out the conditions which caused them some concern but which were of so little consequence that I was quite happy to do so in order to achieve agreement on the measure.

All the teaching hospitals have agreed that a teaching hospitals advisory council could do much towards reducing hospital costs in this State. I look forward to their co-operation. They have indicated that they are prepared to co-operate on the appointment of the council.

I think I have expressed my opinion about committees several times in this House. I do not want to start another committee which will have a large staff. Perhaps this council will have a secretary, a director or a chairman, a typist, and a research officer. They are the only personnel I would agree to appoint.

Sir David Brand: I am glad to hear what you say. I hope you can influence Cabinet in other directions.

Mr. DAVIES: I have expressed this opinion to Cabinet, which is pleased to go along with me. A tight rein has been kept on the Department of Environmental Protection and I intend to keep it that way. But that is not related to this matter.

I have been assured of the co-operation of the hospitals on the advisory council. The member for Cottesloe will appreciate the need for the matters contained in the Bill. After hearing the views of the various bodies whose opinions I sought, a few changes were made to the Bill, and I believe there is nothing in it to which anyone could now object. In view of the fact that the running of public hospitals will cost the State over $47,000,000 this year, we have a responsibility to ensure that not one cent of the taxpayers' money is wasted in hospital services.

Mr. Hutchinson: Does the Bill contain an amendment which cuts or curbs the autonomy of boards of management?

Mr. DAVIES: No. Provision is made for a direction to be given. As I indicated earlier, we have already had clashes when two hospitals wanted to install expensive equipment which could be readily contained in one hospital. If the teaching hospitals advisory council considers the equipment should go in hospital A or hospital B, on its recommendation, after consultation with both boards of management, the Minister will have the right to direct where the equipment will go. This is the power of direction. It would be quite impossible for a Minister even to think about the day-to-day running of our large teaching hospitals.

The boards of teaching hospitals throughout the State do a very good job. There are one or two isolated instances in regard to country hospital boards which do not cause me much pleasure but I am pleased to say they are in the minority. The boards of management of the teaching hospitals comprise responsible people and I am quite happy to leave the running of the hospitals to them.

I repeat that in providing this tremendous medical service throughout the length and breadth of the State we want to ensure the taxpayers' money is not wasted. With that point in mind, I commend the Bill to the House.

Debate adjourned, on motion by Dr. Dadour.

GUARDIANSHIP OF CHILDREN BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [4.57 p.m.]: I move—

That the Bill be now read a second time.

This Bill which represents a consolidation of the existing laws concerning guardianship of infants, and also proposes some improvements in those laws, was well received in another place and is presented to this Chamber with a message requesting our concurrence.

The present laws in relation to the guardianship of infants are contained in two principal Acts and their amendments; namely, No. 15 of 1920 and No. 23 of 1926.

The 1920 Act was introduced to Parliament at a time when women's rights were being more widely accepted. The 1926 legislation emanated from the conviction of the judiciary and officers of various courts that mothers were not adequately protected by the original Act for the reason that it placed too much onus on the mother to substantiate her rights in courts of law. Furthermore, the 1926 legislation was presented as a measure establishing without any question of doubt that the welfare of the child was of paramount importance. That premise is retained and strengthened in this amending and consolidating Bill.

It is hoped that the legislation now before members will receive ready acceptance on that score and also for the reason that certain amendments now proposed will provide administrative facilities which have been felt necessary for some time past in the interests of the child in need.

The draftsman, with commendable dexterity, has been able in his drawing up of this consolidation to combine some sections and, generally, to present the law in more appropriate sequence than is possible with the dual pieces of legislation now required to be read as one.

There is, I think, no need for me to dwell on those clauses of the Bill which in effect maintain the *status quo*, so I shall devote my remarks to further aspects of the law which it is now proposed to amend.

Clause 3 ensures, *inter alia*, that a person who has ceased to be a child but has not attained the age of 21 years, yet at any time has been the subject of an order under any of the provisions of the Acts now to be repealed, may be granted an order on his own application or that of either parent or guardian for maintenance or education on his own behalf to the age of 21 years.

Clause 4, dealing with interpretations, defines a "child" as any boy or girl under the age of 18 years and includes illegitimate and adopted children and also "accepted" children; that is, children accepted as one of the family.

This definition aligns this measure with related legislation. Since 1965 the Married Persons and Children (Summary Relief) Act has defined a child to include an illegitimate or adopted child and also a "child of the family" and this would include a child "accepted" as one of the family. It is desirable that when opportunity exists regard should be had for established definitions in comparable social legislation. No new ground is being broken in adopting this definition as it merely confirms existing practice.

The existing Acts are not clear as to who may apply to the court. The position is clarified in clause 6 of the Bill to the effect that all parties concerned have access to the court.

In addition to rewriting the existing law, clause 17 provides the court with the means of procuring a relevant report from a welfare officer. To enable such report to be made the officer is empowered to enter and inspect the child's accommodation.

While the court is empowered to order payment of maintenance under the existing law, clause 18 widens considerably its power to order that a parent of the child shall pay reasonable sums in maintenance or education. Also the position is clarified that maintenance is orderable by a court following a contest as to guardianship.

As a consequence of the provisions in this clause such order may be altered, varied, suspended, or discharged as circumstances may require on the application of the recipient. Orders for payment of maintenance may in future be made with retrospective effect. This provision has been inserted in sufficiently emphatic terms to persuade, it is hoped, the court to exercise the power as a matter of routine unless circumstances indicate otherwise. I am advised, however, that there is no intention whatsoever of granting retrospectivity in a case where the applicant has delayed unduly an application for payment of maintenance.

The reason for requesting provision for past maintenance to be awarded is that delays are sometimes encountered in bringing these cases before the court. The power in section 11 (6) of the Married Persons and Children (Summary Relief) Act to order payment up to six months prior to the hearing is rarely used by magistrates. Invariably the Child Welfare Department is called upon in fact to provide monetary assistance during this period. Very little recovery of this expenditure is effected and the amount involved is considerable. For these reasons a more definite provision is considered desirable.

Another new provision is contained in clause 19, which empowers the court to make an interim order for immediate provision in the interests of the welfare of the child in cases where such assistance is of an urgent nature. Urgency occurs from time to time because of unavoidable delays in assembly of material for consideration by the court sufficient to enable full determination to be made on all aspects, the position being that it is not at that time possible to determine what order, if any, should be made on the application to dispose of the matter. The purpose here is to prevent hardship due to delay in legal action.

The effect of clause 22 is greatly to increase the maximum penalty which may be inflicted on a person who is under an obligation to make payment in pursuance of any order yet fails to notify the person specified in the order of his change of address.

The maximum penalty would be enforced in only the most serious consequences as a result of neglect to notify change of address. Arising from such neglect an innocent child can suffer materially at the hands of a defaulter whose whereabouts remain unknown over an extensive period of time.

The Bill is commended to the House as a desirable measure, drafted objectively to clarify and consolidate the several existing Acts and to further emphasise in a practical manner that the welfare of the child is of paramount importance under the coordinate rights of both father and mother and the legal rights of guardians.

Debate adjourned, on motion by Mr. R. L. Young.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR. BICKERTON (Pilbara—Minister for Housing) [5.08 p.m.]: I move—

> That the Bill be now read a second time.

In his policy speech delivered on the 3rd February, 1971, the present Premier (The Hon. J. T. Tonkin, M.L.A.) stated as follows:—

> As the present system of multiple traffic control and vehicle licensing is incompatible with State-wide efficient traffic management we shall place complete control of traffic with the Police Department which we propose to restructure.

This proposal for uniform traffic management by the Police Department is soundly based. Every Australian State, except Western Australia, has uniform traffic control under its Police Department. Despite suggestions by States of dissatisfaction with the existing system, inquiries have revealed that no general change in the set-up is contemplated by any State.

In June, 1965, the previous Government set up an interdepartmental committee of seven members to inquire into the control of traffic in country areas and it presented its report to the Minister for Traffic in April, 1966. The concern of the former Government in initiating this inquiry centred around accident prevention and the rising road toll. My Government's concern about the road toll is shown by the presentation of this legislation.

Details of the findings of the committee may be found on page 2, section 2 of the report.

With regard to traffic control, the majority recommendations, five to two—the two minority represented the Department of Local Government—were as follows:—

(1) That the Police Department be established as the sole authority responsible for the enforcement of the Traffic Act throughout the State.

(2) That the take-over of responsibility be implemented progressively in defined areas in three stages, each stage requiring approximately one year.

(3) That all existing traffic inspectors be appointed, if they so desire, as special traffic constables within the Police Department, subject to the following provisos:—

  (i) That the induction requirements of the Commissioner of Police in regard to character alone are met.

  (ii) That the normal retirement age for police officers is not exceeded and in the event that a traffic inspector below the age of sixty-five years would be retired on this ground, that he be offered suitable employment in Government service or otherwise compensated.

  (iii) That appointees be employed as far as practicable at their present locations.

  (iv) That appointees satisfactorily undertake such training as the Commissioner of Police deems necessary.

  (v) That the remuneration of appointees be no less than that at present prescribed for traffic inspectors; that their long service and other accumulated leave rights be preserved and that, where practicable, they be given the opportunity of participating in the State Superannuation Scheme.

(4) That, subject to the agreement of the Local Authorities, the State assumes responsibility for traffic

control equipment and housing provided by local authorities, with appropriate compensation.

(5) That an upper speed limit of 65 m.p.h. be imposed on the open road throughout the State.

Of the foregoing recommendations the previous Government acted only on No. 5—the imposition of a 65 m.p.h. speed limit on the open road.

An organisation which is gravely concerned about the road toll, and is in a position to evaluate the appalling results of road accidents, is the Royal Australasian College of Surgeons. It has set up a National Road Trauma Committee with subcommittees in each State. In Western Australia we have two outstanding surgeons who have made a submission to the Premier on this subject. They are G. M. Bedbrook, Chairman of the Royal Australasian College of Surgeons Road Trauma Committee, and B. A. R. Stokes, Secretary of this comittee. I quote an appropriate section from the submission—

> We have been very impressed and congratulate you on your Policy Statement concerning the overall implementation of traffic enforcement throughout the State and as members of the medical profession who are daily in contact with the results of the havoc on the roads, we submit the following recommendations, respectfully, but with a sense of urgency for your immediate consideration.

I again quote the appropriate recommendation—

> Recommendation 6—Enforcement.
>
> It is recommended that enforcement remains in the hands of the Police Traffic Department under the direction of the Commissioner of Police, but that the Statutory Body should advise and direct the Commissioner in matters falling within its jurisdiction. In order for enforcement to be effective throughout the State, the Shire Council Traffic Authorities should be disbanded as independent organisations.

The report on the Victorian Police Force presented to the Chief Secretary on the 22nd February, 1971, by Colonel Sir Eric St. Johnston, C.B.E., Q.P.M., H.M. Chief Inspector of Constabulary for England and Wales, 1967-70, contains a chapter—chapter XI—on traffic operations and I quote from it because of its applicability to the legislation before the House—

> It is sometimes argued that the Police should not concern themselves with this problem and that a special organisation should be set up to deal with offences against the traffic laws but with those views I do not agree.
>
> Such a special organisation would have to be built up almost exactly on the lines of the Police Force. It would have to be comprised of men and women of integrity, who are of adequate intelligence to become knowledgeable of the increasingly complex law; they would have to be good drivers; they would have to be physically fit and willing enough to do duty at awkward hours (i.e. outside normal working hours) and in all weathers; they would have to be able to write reports and to be able to give evidence in Court; they would have to have good judgment and commonsense in order to decide when to caution a motorist and when to report for a summons, while they would, to a great measure be ineffective unless they had powers of arrest in serious matters.
>
> They would have to have special stations at which to report for duty, write their reports, prepare their cases for Court, and garage their vehicles. They would, in other words, be a Police Force in all but name. Since this would be a parallel organisation, the total cost to the State would be greater than if the Police continue to do the work.
>
> Above all, the members of a Traffic Corps would, in the course of their work, come across accidents in which people may be killed or, being injured, die later. This would entail dealing with the Coroner which is a proper Police responsibility. It has also to be remembered that Traffic Patrols in the course of their work frequently come across and deal with criminal suspects and cases of crime.
>
> For all these reasons, I am convinced that it is right that the Police should continue to have responsibility for patrolling the roads to deal with offences against the traffic laws.
>
> But good Police work goes further than merely detecting offences, for the presence on the road of an adequate number of well-signed and well-driven Police cars manned by men (and women) of smart and alert bearing does act as an excellent deterrent and hence reduces the number of cases of breaches of the law and encourages civilian drivers to drive more carefully and not too fast. The Police also can and do play an important part in the education of motorists and pedestrians—particularly children—to use the roads, with care, by giving lectures and organising exhibitions. There should, therefore, in every Police Force be a strong element of accident prevention officers. From my inspection, I am satisfied that the Victoria Police Force accepts all these principles and attempts to carry them out.

It is difficult to see any advantage in having a traffic enforcement body separate from the State Police Force.

Proponents of such a system usually quote the New Zealand structure as justifying such a measure in support of the totally unproven belief that this system is the reason for the low rate road accident ratio in that country. In fact, there is no one single traffic authority in New Zealand, as, apart from the Transport Department, there is a good deal of police involvement as well as powers vested in 17 local authorities. There are many probable reasons for the favourable road accidents situation in New Zealand but it is more likely to be brought about by a combination of many factors, rather than just one single factor. If more efficient enforcement is provided in New Zealand, it is perhaps due to the number of personnel involved rather than the quality.

A mere change of name will not achieve greater efficiency. There are certain aspects of traffic law enforcement which cannot be divorced from police involvement, as has been found in New Zealand; for example—

(a) Accidents involving death and serious injury.
(b) Driving under the influence of drugs and alcohol.
(c) Hit and run accidents.
(d) The association of criminals with vehicles.
(e) Vehicle stealing and their unlawful use.

Details of New Zealand's road fatalities for the past five years are revealing—

1967—570
1968—522
1969—570
1970—655
1971—680

These figures supplied on 14th February, 1972, by the New Zealand Trade Commissioner in Western Australia show an increasing road toll.

While this situation is regrettable it makes one ask: Is the New Zealand traffic control system the answer to Western Australian problems?

It cannot be denied that the control of moving traffic is a proper police function. It is only a state of mind that there is a moral difference between the death or injury of a person by wilful or careless use of a motor vehicle as against the use of a gun or other weapon.

The Police Department has the nucleus of an economic and efficient State-wide traffic law enforcement organisation. A separate organisation would undoubtedly require enormous initial outlay in personnel, training, equipment, and accommodation.

Expansion of the Police Force to undertake full traffic control would strengthen the existing service in combatting all forms of criminal activity, and not merely traffic violations. With clearly identified radio-controlled police vehicles, the advantage of an enlarged Police Force to cope with traffic law enforcement would bring greater security to areas now sparingly policed. A traffic officer, on the other hand, gives the public only a limited protection.

It is further doubted whether an organisation of the size and quality visualised to take over traffic law enforcement could be recruited under present-day labour conditions. While it may be possible to establish the nucleus of a separate force from existing traffic personnel, it could not be fully equipped from existing resources. There would have to be freedom of choice in a transfer situation, and the material benefits would have to be sufficiently high to attract personnel now engaged by the department.

It would have to be accepted that a separate force would require a larger number than the currently combined forces of police and traffic inspectors if any benefits were to arise from such an organisation. It is not visualised that a force of less than 400 could adequately cover the "X" miles of road throughout the State with any degree of success. With a nucleus of 100 traffic officers from the Police Department, the loss of which the department could ill afford, it would still fall far short of a force strong enough to give any benefit of closer and tighter law enforcement. Even the inclusion of the existing approximately 100-odd traffic inspectors now engaged on this work would not build up the force to the required strength.

In this direction perhaps there may be some misgivings about the possible role of the police in the country from the public relations aspect, should some of the country folk find they come into conflict with the police.

As shown in other places, it is only a proportion of the public that commits traffic offences. By far the greater percentage is law-abiding. It is a fact that, until recent years, with the increase in traffic inspectors provided by shires, the police had virtually been doing all traffic work wherever they were stationed. The more serious traffic offences have always been the concern of the police, by direction of the commissioner, under section 22 of the Traffic Act.

Even now, whilst traffic inspectors do take more action in this regard, the police still perform considerable traffic enforcement duties.

Having regard for the foregoing, there need be no apprehension that enforcement by police of traffic road rules would harm the very enjoyable and acceptable co-operation of the majority of the public in country areas. However, even if this did deteriorate a little we are duty bound to look to the future, not to today. The gratitude of the public generally, for added

police protection, would outweigh by far any resentment which might arise against the police from traffic offenders.

Our State, in the decades to come, will have large cities throughout its length and breadth, and thus matters between the public and the police will probably be on a level with what it is now in the metropolitan area and, as stated earlier, objection and annoyance will come from only a small percentage of the population.

It cannot be stressed too strongly that the Police Department can, upon immediate application, throw in some 400-odd men on traffic enforcement in the country, but to have a separate enforcement agency set-up would be a costly and a lengthy project.

Local government bodies are continually requesting additional police strength in their districts. This need is fully appreciated and receives progressive attention.

The posting of additional police, as proposed if enforcement control of traffic is vested in the police, would provide the presence of officers who could be deployed to any duty as the occasion arose and would, in fact, serve a two-fold purpose.

Again, in respect of accidents there is usually one person at fault, and any person considering himself aggrieved is entitled to the services of a person trained in investigations generally in which category the police officer may be placed.

As indicated earlier, the machinery of police enforcement already operates throughout the State, and the additional duties brought about by traffic enforcement work could be initially effected by staff increases only at existing establishments.

Traffic enforcement is carried out by the police in the metropolitan area by members of the force engaged solely in such work—specialists in specialised sections.

Identity:

Requests have been received that country centres be permitted to retain their identity regarding number plates when Statewide traffic control is handed over to the police.

Although this suggestion has been put forward on a number of occasions and has received very careful consideration, the view is taken that, whilst there may be sentimental reasons for residents of these centres retaining their old plates, there are stronger reasons from a registration point of view for such a system, which is unique in Australia, to be discontinued.

Vehicle registration records in the metropolitan area are maintained by computer and now incorporates all vehicles which have been taken over from country councils.

It would not be practicable to include prefixes for each country council in the computer as this could eventually necessitate 120 separate files—one for each council—being incorporated in the main register.

If a vehicle were sold by a person in one district to a person in another, it would be necessary to delete the records from one file and recreate them in another, and for the old number plates to be returned and new ones issued. It would also be necessary to maintain, in a number of locations, sets of plates for every local authority district within the State.

The establishment of a central registry also has decided advantages from a statistical and commercial point of view and will prove of particular benefit to the motor industry which is seriously inconvenienced by the present multi-prefix plate system.

Although many country residents may feel that their identity is being destroyed by the loss of their country number plates, it is felt that, if a more objective view of the situation were taken, it would be agreed that such a procedure would not prove an economic proposition, even if the practical difficulties could be overcome.

It is considered that the identifying of road accidents or tracing of motor vehicles would be more efficiently done through a central bureau because it would contain all records.

Voluntary Takeover of Traffic by Police:

A great deal of misleading and incorrect information has been disseminated in an apparent attempt to discredit the Police Department where takeover of traffic control and vehicle licensing from local authorities has already occurred.

Information now collated from some centres under police control provide rebuttal of any criticism. While it may be considered unfair to refer to any shire by name, two significant facts have emerged in takeovers, the first being that traffic inspectors induced into the police have found the added status and authority of their police appointment increases their efficiency in traffic law enforcement; and, secondly, the posting of marked police vehicles in outer areas has been a notable deterrent to law breaking generally.

General Aspects:

Can Western Australia, with its great distances between towns, and its vast area and sparse population, afford two police forces with dual administration, communication system, offices, buildings, and housing for staff?

If traffic duties are separated from police control which authority will attend and investigate fatal and serious-injury traffic accidents and hit-and-run accidents, locate stolen vehicles, arrest and detain drunken, dangerous, and reckless drivers, and deal with such things as

crowd control for royal and V.I.P. visits, processions, protest marches, escorts, and guards for royal and V.I.P. visitors?

Which authority will handle crowd control at sporting fixtures of international and national level, at local events such as football finals, races, trots, speedway meetings, and new year's eve celebrations? Which authority will deal with disorderly persons driving vehicles and riding motor cycles at high speeds where crowds are assembled in such places as beach resorts and parking areas, and who will handle crowd control at the Royal Show and at inspections of visiting war ships?

I hope I have not missed anything.

Mr. Nalder: The Minister is talking about Western Australia?

Mr. BICKERTON: Yes, about Western Australia and the member for Katanning will find that our State will be a much better place in which to live as soon as this legislation becomes law.

If traffic duties are separated from police control which authority will arrest persons caught stealing or unlawfully using vehicles; arrest persons seen breaking and entering premises; arrest persons apprehended for carting stolen stock or other goods; and assist C.I.B. officers in the apprehension of criminals and in searches for prison escapees?

The motor vehicle has become an integral part of our society and few crimes are committed without the use of a motor vehicle in some way. The police need a highly mobile and active force of young men, and the traffic patrols supply this facility. Personnel can be directed to any place where they are needed as well as attend to everyday traffic work. If this control is placed under another authority both the Police Force and the Traffic Department will lose efficiency.
Personnel:

Young men are required to ride motor cycles and drive cars at high speeds. The road patrol section of the Traffic Department provides an exceptionally good training ground for young police officers in all branches of the force. The trainees come into close contact with the public, and learn to be tactful and how to interview people.

I think the next point is important: The young officers are taught how to ride motor cycles and drive cars safely at high speeds; they undergo mechanical training courses; they attend and investigate serious traffic accidents; and they learn to control crowds. Also, they make numerous arrests for various offences and become familiar with the preparation of briefs and the attendance in court as witnesses.

Risk of injury is great and many policemen are injured, some seriously, and some are even killed in the course of their duties. For this reason, after several years work in the section associated with high speed, the men require a change. Family responsibilities often compel a man to request a transfer to other duties, and within the Police Force he can be transferred with advantage to other branches where his experience can be used. For example, he can be transferred to the C.I.B., carry out investigations into serious and fatal traffic accidents, and perform numerous other duties associated with motor vehicles.

Conversley, it will be asked: What will happen to personnel employed by local authorities on traffic work? When they become too old to ride a motor cycle or drive a car at high speed, will their services be dispensed with? This, of course, would not be conducive to efficiency or loyalty. It will also be asked: Will those men continue to ride motor cycles or drive cars at high speeds until they retire at 65 years of age? I might say that some shire inspectors were driving at high speeds at 60 years of age. Will those men be placed in unproductive jobs, or in positions for which they are neither trained nor fitted, and so cause inefficiency in the service?

In the voluntary takeover the Police Department has honoured every undertaking given and the same practice will be continued in the case of a compulsory takeover. The interests of local authorities and traffic personnel associated with them will be safeguarded.

Most local authorities accept that there is a need for uniform control and have advocated a system based on the New Zealand operations. However, for economic and other reasons that system is not acceptable to the Government.

The Government sincerely believes the proposed police traffic control is most desirable in an effort to reduce the road toll and to afford greater police protection to the whole of the State. I again remind members that Western Australia is the only State in Western Australia which does not have uniform police traffic control, and it has the worst road toll of all States.

Sir David Brand: It is the only State refunding receipt duty, too.

Mr. Nalder: Would the Minister repeat his last statement.

Mr. BICKERTON: What I have said will be in *Hansard*, but for the benefit of the honourable member I will repeat what I have said. I said that members are reminded that Western Australia is the only State in Western Australia without uniform police traffic control.

Mr. O'Connor: It is the only State in Western Australia?

Mr. W. G. Young: The Minister said we were the only State in Western Australia, and I agree.

Mr. BICKERTON: I am sorry; that was a slip of the tongue. To make the situation clear I will read my note again, which is as follows: Members are again reminded that Western Australia is the only State in Australia without uniform police traffic control, and it has the worst road toll of all States.

Mr. Nalder: The Minister means that Western Australia has the worst road toll of all the States in the Commonwealth of Australia.

Mr. BICKERTON: Yes. To continue: Although statistics may not tell a completely reliable story the following are worth recording. The average number of vehicles licensed for 1966-71 in the metropolitan area was 267,181. That figure represents 66.8 per cent. of the State total. The average number of vehicles licensed for 1966-70—the 1971 figures are not available—in country areas was 132,689. That represents 33.2 per cent. of the State total. I sincerely hope these figures are correct.

Mr. J. T. Tonkin: I hope so too.

Sir David Brand: The Minister had better check with the Premier.

Mr. BICKERTON: I can assure members that if the figures are wrong they will hear from me again very soon.

Mr. O'Neil: Or someone else will.

Mr. O'Connor: The figures quoted by the Minister show a proportion of two-thirds to one-third.

Mr. BICKERTON: The fatalities which occurred in the period from 1966 to the 14th September, 1971, number 826 in the metropolitan area and 967 in the country areas. The figure for the metropolitan area represents 46.1 per cent. of the State total, and the figure for the country areas represents 53.9 per cent. of the State total.

Mr. O'Neil: They were all city drivers who were involved in the country though.

Mr. BICKERTON: I will not argue on that point; I am supplying the information so that any member who wishes to speak will be fully informed.

Several members interjected.

Mr. BICKERTON: I can see that this Bill will not go through unopposed. This legislation is a necessary part of the Government's plan to restructure the Police Department. The plan includes—

(a) A traffic safety council which will devote itself solely to those matters within the area of traffic safety; and,

(b) A safety research council.

The efficiency or otherwise of individual local government bodies in the sphere of traffic control is not the issue in this legislation. The issue is uniformity of control by the Police Department.

Finally, it might be appropriate to refer to the fact that consideration has been given—and it is continuing to be given—to the feasibility and practicability of separating from the Police Traffic Department the requirement of licensing of vehicles, and the handling of motor drivers' licenses. A new department could be created, which, perhaps, would be known as the department of motor transport.

Mr. Gayfer: That would be a police force within a police force.

Mr. BICKERTON: It is felt that the adoption and implementation of such a proposal would be conducive to greater efficiency, and would have the added advantage of being able to incorporate into the new system other services which, at the present time, it would be impracticable to absorb. However, the Government feels that for the time being the complete control of traffic by the Police Department is the chief priority.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. O'Connor.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

POLICE ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 26th April.

Mr. O'Connor: I conferred earlier with the Minister handling this Bill and he advised me that it would not come up today. I am wondering whether the Government intends to proceed with this legislation.

Mr. Bickerton: I am sorry, but the member for Mt. Lawley is a little wrong. He did approach me but I have not had a chance to speak to my leader who is in charge of the business of the House.

Debate adjourned, on motion by Mr. Harman.

TRANSFER OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th March.

MR. MENSAROS (Floreat) [5.42 p.m.]: In contrast to my frequent criticism about second reading speeches made by the Attorney-General—where I often found that his explanations were not comprehensive enough and did not highlight all the important facets of his Bills—on this occasion I would like to commend him for the brief, yet simple and lucid description of the provisions contained in this Bill to amend the Transfer of Land Act.

The Bill deals with three different aspects. Although the Attorney-General referred to four aspects I have grouped the two provisions regarding easements. The three aspects to which I have referred are, firstly, the appointment of a deputy commissioner; secondly, changing the material and procedural law regarding the removal of easements; and, thirdly, the enabling of the Crown Law Department or, more precisely, the Minister to prescribe some forms by regulation instead of by Statute.

The Opposition has no objection to any of these provisions.

Dealing with the first provision—the appointment of a deputy commissioner—the Attorney-General is, of course, right in saying that most of the newer Statutes do provide, initially, for a deputy to the chief statutory officer who is to administer the provisions of the new Statute. Alternatively, at least empower someone to act in the capacity of the chief officer administering the Act. Such was the case with the now superseded Act relating to the protection of the physical environment, the new Environmental Protection Act, the Act relating to the appointment of an ombudsman, and the Act concerning consumer protection—just to name a few recent examples.

The Transfer of Land Act, of course, is an old Statute having originated in 1893. In the circumstances pertaining at the time there was probably no need for a deputy commissioner. However, it stands to reason, as the Attorney-General has said, that the absence of the commissioner for any reason, or an unexpected vacancy in the position, should not hold up the operations of the Titles Office in cases where the personal action or attention of the commissioner is required. There should not be any delay, not even to the next meeting of the Executive Council.

There may be another advantage in having a deputy commissioner. If the office suddenly became vacant it would have to be filled by Executive Council. In these circumstances an appointment could be made hastily and the best possible applicant may not be selected because of insufficient time to do so. If there is a deputy with all the power of the commissioner, save the power of delegation, the new appointment does not become so urgent and, therefore, a better candidate may be selected.

It is a balanced provision that the deputy commissioner shall need to have a minimum of five years' legal practice while the commissioner, according to the original Act as it still stands, needs seven years.

Clause 3 is complementary to the appointment of a deputy commissioner and simply amends section 9 which provides for all courts, judges, and persons acting judicially to take notice of the existing officer's signature. They will now, of course, have to take notice of the deputy commissioner's signature as well.

The second part of the Bill—in clauses 4, 7, and 8—concerns easements. It adds easements to other restrictive covenants in section 129C which deals with the circumstances under which such covenants can be removed by the court or a judge. These circumstances are—

> If the covenant has been abandoned;
>
> If the covenant does unduly restrict the owner of the property without benefiting anyone else;
>
> If the beneficiary of the covenant agrees or can be considered by the Court as having agreed to remove this covenant;
>
> If the removal would not substantially injure the beneficiary.

The amendment incorporated in the Bill provides that in such cases the court, upon application, can remove not only restrictive covenants but easements as well.

To make the situation quite clear it might be worth while to mention that the difference between these two—restrictive covenants and easements—is essentially, as I see it, that the covenant—using the word restrictively—restricts a person without there necessarily being a given third person who benefits from this restriction, whereas the easement is a covenant where a third person or persons do benefit from the restriction.

A restrictive covenant could apply to the size of a block which can be subdivided from a property or the material that can be used in building on such a property—for example, only brick. Indeed we have seen such covenants in the T. M. Burke subdivisions in the Attadale-Bicton areas.

Invariably the courts removed these covenants on application and many applications have been made during the last 20 years or so. In many cases the applicants wanted to use different materials or to subdivide blocks into somewhat smaller sizes.

On the other hand, an easement, for example, is a right of way where the proprietor of a neighbouring property has the right to cross a property on which the easement is or the general public have such a right; this occurs, for instance, with London Court.

It stands to reason that an easement as well as a restrictive covenant shall be subject to removal by courts under the circumstances I have just mentioned and which are described in section 129C of the principal Act.

By changing the wording of sections 229A and 230 of the principal Act the Bill also provides that in case of an easement being removed, on application, from a title by the Commissioner of Titles, there

should be no need to prove that the beneficiary has abandoned his right to the easement, but it should be enough to prove that the easement has not been made use of for the past 20 years at least. This fact, if proven, provides the legal assumption of abandonment.

The Attorney-General mentioned that this provision came about by a study of the New Zealand law. I submit that, if Roman law were a compulsory subject for law students at the university, there would be no need to study the New Zealand law or any other law for that matter. Exactly the same rule which we now wish to introduce into Western Australia in 1972 applied some 2,000 years ago under Roman law. Indeed it has survived 2,000 years or perhaps even longer and until the 1st January, 1900, Roman law, as codified by Justinian, was in force in certain principalities in Germany and some parts of France.

I personally cannot imagine a more complete or perfect system than Roman law, especially those parts which relate to property. It is no wonder, therefore, that this has remained in force for 2,000 years. I have been—and still am—constantly amazed at the habit of Australian lawyers of denying any connection between English property law and Roman law—even though there have been some deviations from Roman law.

As I have said we are trying to incorporate into the Statutes in 1972 a provision which was ruled by the Praetors, who were the judges at the time and whose rulings became law. They ruled that continuous non-use of an easement—which was called *servitudus*—for a given time created a legal assumption—which was called *presumptio juris de jure*—that the easement had been abandoned.

After this short reminiscence on my university years I shall return to the third provision of the Bill. Clause 6 which will enable repeal and re-enactment of section 181 of the parent Act simply provides for all the forms—such as those for the transfer of land or contract of sale—described in the schedules to be altered or new forms to be prescribed by regulation instead of by Statute.

I do not think any reasonable objection could be made against this provision which will expedite the whole procedure. The Titles Office was modernised some two years ago and the experience of the intervening period has obviously shown the necessity to have these forms prescribed by regulation.

Finally I refer to clause 5, a small provision which did not merit mention in the Minister's second reading speech. It simply tidies up the legislation in consequence of having created the District Court of Western Australia.

The SPEAKER: Order! There is far too much talking in the Chamber.

Mr. MENSAROS: Sales under writ of *fieri facias* or decrees or orders of the court will now include—as I understand they have, in practice, since its inception—the District Court as well as the Supreme Court.

On behalf of the Opposition I support the second reading and I commend the Attorney-General for this legislation.

MR. T. D. EVANS (Kalgoorlie—Attorney General) [5.54 p.m.]: I thank the member for Floreat for his support of the Bill. I was quite impressed with the close and obviously careful attention he gave to the provisions of the measure. I noted with a great deal of interest his comments relating to clause 7 and the subject of abandonment. It is a fact that it has never been an easy matter, under English law, to provide sufficient evidence of abandonment. His concept that nonusage over a given period of time where an enjoyment existed was deemed to be proof of abandonment is quite an interesting one. I will explore the source to see if we may find this concept in some other area—possibly in criminal law. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

BILLS (2): RETURNED

1. Beekeepers Act Amendment Bill.
2. Bee Industry Compensation Act Amendment Bill.

Bills returned from the Council without amendment.

House adjourned at 5.59 p.m.

Legislative Council

Tuesday, the 2nd May, 1972

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

KWINANA-BALGA POWER LINE

Route through Guildford Grammar School: Petition

THE HON. L. D. ELLIOTT (North-East Metropolitan) [4.32 p.m.]: I desire to present a petition from residents in the State praying that the Government considers their request that power lines be not