places. I am sure it is the desire of everybody that we should ensure that this fishing industry which has maintained itself in these remote places will continue in its prosperity for as long as is possible. The fishing industry can continue with its activities and the company can continue to win its salt. I am certain that the operations in connection with salt can continue in the area in question and that if no more inlets are closed the fishing industry at Shark Bay will also be able to continue its operations.

I trust the House will look favourably on this motion and will vote accordingly.

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

Ayes—19	
Mr. Bateman	Mr. Harman
Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. Moir
Mr. Burke	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Tonkin
Mr. Graham	Mr. Davies
Mr. Grayden	*(Teller)*

Noes—21	
Mr. Bovell	Mr. Mensaros
Sir David Brand	Mr. Mitchell
Mr. Cash	Mr. Naider
Mr. Court	Mr. Ridge
Mr. Craig	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. Lewis	Mr. Young
Mr. W. A. Manning	Mr. Dunn
Mr. McPharlin	*(Teller)*

Pairs	
Ayes	Noes
Mr. May	Mr. Burt
Mr. Hall	Mr. O'Neil
Mr. McIver	Mr. Gayfer
Mr. Jones	Mr. O'Connor
Mr. Toms	Mr. I. W. Manning

Question thus negatived.

Motion defeated.

House adjourned at 9.53 p.m.

Legislative Council

Thursday, the 9th October, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (6): ON NOTICE

1. WATER SUPPLIES

Increase in Rates at Esperance

The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) What are the average increases in water rates in—
  (a) State Housing;
  (b) business; and
  (c) other residential areas;
  at Esperance?

(2) If the reply to (1) is to the effect that increases have not yet occurred—
  (a) is it anticipated that the rates will be increased; and
  (b) if so, when?

(3) Will State Housing rentals be affected by such increases?

The Hon. A. F. GRIFFITH replied:

(1) No increase since inception.

(2) (a) Yes, due to revaluation.
  (b) The 1st January, 1970.

(3) Any increase of rates must eventually be reflected in rents to keep these on an economic basis.

2 to 4. *These questions were postponed.*

5. EDUCATION

Meekatharra Junior High School

The Hon. G. E. D. BRAND asked the Minister for Mines:

(1) Will the Minister advise the House if any progress has been made with respect to the supply of further school rooms at the Meekatharra Junior High School?

(2) Has this matter been discussed by the Minister with the Parents and Citizens' Association of Meekatharra?

The Hon. A. F. GRIFFITH replied:

(1) and (2) Finance is not available for additions to Meekatharra primary school this financial year.

6. EDUCATION

Refrigerators at Outback Schools

The Hon. G. E. D. BRAND asked the Minister for Mines:

(1) What is the policy of the Government with respect to the supply of kerosene operated refrigerators to outback schools where electric current is not available?

(2) (a) Is this type of refrigerator acceptable;
  (b) if not, why not?

(3) Does the Education Department supply refrigeration other than water coolers?

(4) If not, where one is considered to be necessary for the storage of milk and perishables, whose prerogative is it to arrange for the supply and payment of same?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The department provides refrigerators on a subsidy basis only to home economics centres. Kleen-heat gas operated refrigerators are recommended by the

department in preference to kerosene because of the lesser fire risk.

(3) No.

(4) This is the responsibility of the school.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order 116

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.38 p.m.]: I move—

> That Standing Order No. 116 (formerly No. 62), limit of time for commencing new business, be suspended during the remainder of this first period of the current session.

I would like to say briefly that at this time every year I find myself making similar remarks in relation to this motion with reference to Standing Order 116. This is also the case with the next motion standing in my name regarding the suspension of Standing Orders to enable Bills to be passed through all stages in one sitting. Standing Order 116 concerns the time at which new business may be introduced and, as you know, Sir, new business cannot be introduced after 11 p.m. The carrying of this motion will allow us to go beyond that time. However, as I am sure I have also said in the past, the Ministers do not desire that we should keep late hours, because I can see no great benefit to be obtained from this. With the assistance of members we must attend to the business of the House, but the Ministers certainly will not take any undue advantage of the position if this Standing Order is suspended. I give that assurance.

The PRESIDENT: Before asking members to declare themselves on this motion, I would point out that in the Standing Orders as printed the Standing Order in question appears as No. 62 whereas in the Standing Orders as amended it is No. 116.

THE HON. J. DOLAN (South-East Metropolitan) [2.41 p.m.]: I can assure the Leader of the House that we will give him all reasonable co-operation. This is the customary motion moved at this time of the year.

Question put and passed.

CLOSING DAYS OF SESSION: FIRST PERIOD

Standing Orders Suspension

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.42 p.m.]: I move—

> That during the remainder of this first period of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be pased through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

The suspension of Standing Orders will enable the House to deal with Bills and pass them through all stages in one sitting. I would like to give an assurance—as I have done in the past—that it is not our intention to take undue advantage of the situation. In the interests of time saving, however, there is an advantage in receiving a Bill from the Assembly—that is, the message—moving the first reading, and getting it passed at that time, and then moving the second reading of the Bill; after which, of course, an adjournment would follow. This is a time-saving device which at times could be used to great effect.

I think the Standing Orders of the Legislative Assembly enable something like this to be done in the ordinary course of events, though I do not suggest that we should do anything like that. I am in favour of this House following the gradual process of taking the motion to introduce the Bill and the first reading one day, the second reading the next day, and for the Bill to follow its natural stages after that. There is something to be said for the procedure I have mentioned, however, particularly if a Minister or any other member of the House wants to introduce a Bill to the second reading stage.

The Hon. F. J. S. Wise: Can the Minister elaborate on the words "during the remainder of the session"?

The Hon. A. F. GRIFFITH: Does the honourable member mean, how long will the session continue?

The Hon. F. J. S. Wise: That is just what I mean.

The Hon. A. F. GRIFFITH: This is largely in the hands of Parliament itself. For example, last night we became quite involved for a long time and we dealt with only one Bill after 8 o'clock.

While I am not able to forecast accurately the date the session will end, I imagine that it would be within the first or second week of November; but I would ask members not to hold me to that, because more Bills will be introduced and something could happen to extend the date.

I trust the House will agree to the motion on the basis I have explained. I assure members that no undue advantage will be taken of the suspension of Standing Orders.

Question put and passed.

BILLS (2): THIRD READING

1. Associations Incorporation Act Amendment Bill.

   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

2. Suitors' Fund Act Amendment Bill.

   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and passed.

ARCHITECTS ACT AMENDMENT BILL

Report

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.48 p.m.]: I move—

That the report of the Committee be adopted.

THE HON. J. M. THOMSON (South) [2.49 p.m.]: Before I proceed I would like to explain the reason for my rising to speak for a few minutes. I do so because I cannot anticipate the notice paper for the next day of sitting and circumstances may arise which might preclude my speaking on the third reading.

The Hon. A. F. Griffith: Are you going to speak to the Bill? If you want to speak to the third reading of the Bill I will not move it this afternoon.

The Hon. J. M. THOMSON: Is it the Minister's intention not to do that?

The Hon. A. F. Griffith: I was going to ask the House to agree to the third reading, but I am told that we cannot do that because we have not received the reprint. So you are quite safe.

The Hon. J. M. THOMSON: From what has been revealed to us during the debate on this Bill up to this point of time, I feel that Mr. Clive Griffiths could have concluded his second reading speech with words different from those he used. I quote the conclusion of his speech —

> I intend to oppose the whole Bill, only on the basis that we should ask the Minister to have an inquiry made into this matter and come back to Parliament with a Bill that leaves no shadow of doubt as to the functions of the board. I oppose the measure.

I am of the opinion that there could be cases similar to the one about which Mr. Clive Griffiths informed the House and, at the end of his speech, I think he should have moved for the appointment of a Select Committee with full powers of inquiry into such matters as have been stated which pertain to the Architects Board. Out of such an inquiry could emerge a recommendation to the Government to bring down a Bill providing for the setting up of a board of six or seven members with statutory authority to deal with matters in dispute between a client, a builder, and an architect, each party having equal representation on the board, with an independent chairman.

I realise that a motion for a Select Committee cannot be moved at this stage of the Bill, but, of course, it is competent for the honourable member to move such a motion after the passing of the third reading in this House.

It has been explained to us that there are, no doubt, cases which could stand investigation and I think the setting up of a board such as I have indicated would go a long way towards meeting the problems that confront a client and, no doubt, from time to time, a builder. Even if a Select Committee were not appointed, consideration of what I have said could be given by the Government. I therefore support the adoption of the Committee's report.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.53 p.m.]: In moving the adoption of the report of the Committee in regard to a Bill it is as unusual for the Minister to make a speech in reply as it is for a member on the floor of the House to make a speech on the motion.

The Hon. J. M. Thomson: There is nothing wrong with it, is there?

The Hon. A. F. GRIFFITH: I did not suggest there was.

The Hon. W. F. Willesee: I saw little right with it, as you did not refer to the amendments we have dealt with.

The Hon. A. F. GRIFFITH: That is what I was going to ask the President, because, as far as I can see quickly, Standing Orders are silent on the point. I realise it is a substantive motion, but I could not see any purpose in the speech of the honourable member, who was quick to rise when I moved the motion.

The time for someone to move for a Select Committee is laid down in Standing Orders.

The Hon. J. M. Thomson: I referred to that.

The Hon. A. F. GRIFFITH: I leave the matter on the basis that I do not know the real purpose of the honourable member's speech. I had in mind to indicate to him by way of interjection that I would not move the third reading until next Tuesday, when the honourable member could speak. What I had in mind coincided with actual fact as I am unable to move the third reading at the present stage.

If it is the desire of the honourable member, he can speak to the third reading next Tuesday.

Question put and passed.

Report of Committee adopted.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [2.56 p.m.]: I move—

That the Bill be now read a second time.

I feel sure that, in part, this is a Bill which Mr. Jack Thomson will support because he has—

The Hon. W. F. Willesee: The second reading.

The Hon. A. F. GRIFFITH: —made representation to me in connection with one portion of the measure.

This is a short Bill to amend the Licensing Act to permit the sale of honey mead by holders of Australian wine licenses. That is the particular interest of the honourable member. The measure also seeks to extend the powers of the Licensing Court to enable it to grant a provisional license in respect of premises already licensed under the Act.

Honey mead is a beverage about which there has been much publicity in recent months. It is produced from the fermentation of apple juice with the addition of honey and has an alcoholic content about the same as for table wines.

The definition of "wine" in section 33 of the Licensing Act has prevented its sale by holders of Australian wine licenses although there is no restriction on its sale by other licensees. There appears to be no reason for a restriction on the sale of this locally-produced beverage, and this Bill proposes to remove the restriction.

The second amendment widens the powers of the court to grant provisional licenses. At present a person desirous of obtaining a publican's general license, a limited hotel license, a wayside house license, or an Australian wine license for premises previously unlicensed, may, before effecting alterations or additions thereto, apply to the Licensing Court for a provisional certificate. The court is then able to consider the matter and either approve or disapprove, or order amendments to the submitted plans.

However, the holder of licensed premises who desires to apply for another form of license is not able to have the benefit of a provisional license before commencing alterations. For example, the holder of a limited hotel license is allowed to serve liquor to guests, their friends, and public diners. The main requirement to convert such a license to a publican's general license is the provision of saloon and public bars. The cost of such alterations makes it reasonable that the attitude of the court should be known before any firm commitments are made. It is proposed to allow the Licensing Court to issue provisional licenses in respect of any premises as, in some cases, extension of the license would be in the interests of the surrounding residents and the public generally.

These amendments are acceptable to the Licensing Court. Might I add that in view of the fact that the Government has appointed a committee to inquire into the Licensing Act, it was not my intention to introduce any amendments to the Act until that report had been received. However, it has been demonstrated to the Government that the second situation which I have explained does prevail in certain parts of the country; and since it now appears obvious that any amendments that might be made as a result of this committee's report will not reach me in time for consideration before next March, and as there is still a period of some five or six months to go, it was felt it would not be unreasonable to present another Bill to make this small alteration.

At the same time, knowing that Mr. Jack Thomson had made certain representations to me in respect of honey mead, and having told him that he, too, would have to wait until March for an amendment to be made to the Act, I could see no reason for not including that provision in this Bill. It has been so included.

Debate adjourned, on motion by The Hon. J. M. Thomson.

FREMANTLE PORT AUTHORITY ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.1 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced and passed in another place. It has two main provisions. The first of these is to enable the Fremantle Port Authority to grant leases of any of its land for purposes other than those associated with shipping; and, furthere, with the authorisation of the Minister in special circumstances, to grant leases for terms exceeding 21 years but not exceeding 50 years.

Under section 27 of the parent Act, the port authority is empowered to lease land but only for purposes connected with shipping, and then only for a maximum term of 21 years.

Specific instances of companies which have occupied authority land for many years and have been involved in heavy capital improvements over the years, but about which some doubt exists whether they are now occupying authority land for purposes connected with shipping in accordance with the provisions of section 27 of the Fremantle Port Authority Act, are—

The Shell Company of Australia Ltd.

Mobiloil Aust. Pty. Ltd.

Ampol Petroleum Ltd.

All these companies occupy land in the North Fremantle area and are concerned with the storage and distribution of petroleum products.

Prior to the BP Refinery (Kwinana) Pty. Ltd. coming into full production in 1956, the commodities of these companies were discharged in the inner harbour. Now their bulk requirements are supplied by pipelines direct from the Kwinana refinery. This has had the effect of progressively reducing the imports of petroleum products through the inner harbour from 563,000 tons in 1950, to 98,000 tons in 1960, and to 57,000 tons in 1968.

Had the refinery not been established at Kwinana, it could be anticipated that imports of petroleum products through the inner harbour would have increased to a figure in excess of 1,000,000 tons. It could therefore be claimed that under present circumstances the major and substantial activities of these companies are not being conducted for purposes connected with shipping.

Several other oil companies which have been granted occupancy of land at North Fremantle since the establishment of the refinery are in a similar position to the companies referred to above.

A particular difficulty arising from the restriction imposed by this section is being experienced in the matter of the protection of the interests of tenants who, having been granted a lease of land for purposes connected with shipping some years ago, find, after spending considerable capital on buildings and so forth, that before the expiration of their lease, and for reasons, perhaps beyond their control, these purposes no longer exist. Consequently, under the provisions of the section at present standing in the Act, they lose a legal entitlement to continued occupancy of the land.

We find that considerable land presently leased is under permissive occupancy agreements, because it is doubtful that, having regard to the present restrictions imposed by section 27 of the Act, relating to the purposes for which land can be leased, formal leases could be entered into. It will be readily appreciated that such an arrangement places the lessees and their investment in a rather difficult, if not, precarious, position. There is this added disability that with such lessees the limited term of 21 years can disadvantage them considerably in their endeavours to finance substantial capital investment on the leased land.

The port authority itself is disadvantaged for the reason that lands acquired by the authority, either by reclamation or purchase, and with a definite earning potential, may be required to remain idle as long as the Act precludes the leasing of such land for purposes other than those associated with shipping.

It is apparent then that both the term and the purpose for which the land may be leased are too restrictive in their practical application and these restrictions have, over a lengthy period, presented the authority with some almost insurmountable difficulties in ensuring that its land is used to the best advantage.

The provisions in this Bill are based on the Government Railways Act of 1904, and will bring the powers of the Fremantle Port Authority into line with those enjoyed by the port authorities of Sydney and Melbourne.

Under their appropriate Acts, the Maritime Services Board of N.S.W. and the Melbourne Harbour Trust can lease land for any purpose they consider appropriate. The maximum lease term in Sydney is for 99 years, and in Melbourne for 56 years.

Both these port authorities, needless to say, endeavour voluntarily to restrict leases of land to trades associated with shipping, particularly land adjacent or in close proximity to a wharf. But other lands are leased for any purpose whatsoever with lease terms depending on the locality of the land concerned.

The approval of leases by the Governor is required in Melbourne, but the Maritime Services Board of N.S.W. is the final approving authority in that State; neither vice-regal nor ministerial approval being required. In the Bill now before members it is proposed that all leases granted be subject to the prior approval of the Minister.

In commending the Bill to members, I might add that the proposed amendment, by reducing advertising requirements to two insertions in the *Government Gazette*, and a daily newspaper respectively, will also obviate unnecessary delay being experienced at present in arranging leases.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

ALUMINA REFINERY (PINJARRA) AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.7 p.m.]: I move—

That the Bill be now read a second time.

At the outset I wish to apologise for the length of the remarks that I am about to make in connection with the introduction of this Bill and the agreement which will provide for the establishment of this industry. Unless I did this some members might, perhaps, say that I should have explained the situation in greater detail.

This Bill to ratify an agreement between the State and Western Aluminium N.L., providing for the establishment of a

second refinery at Pinjarra, is of tremendous importance to the State because of the impact which the project will have on regional development.

During the first stage of its operations, this concern will export alumina through existing port facilities at Kwinana. Later, as production increases, it is expected that the company will develop storage and build its own special purpose wharf, equipped with a ship loader, at the proposed inner harbour at Bunbury to permit exports of alumina through that port.

The agreement covered by this measure also contains a series of amendments to the principal agreement. These cover the change of basis of royalty from bauxite to alumina, escalation and review of royalty rates, extension of the special mineral lease, arbitration, and a review of the amount of compensation payable to the Conservator of Forests.

It will be of value to members, I should think, Mr. President, if I were to deal with various clauses, elaborating as necessary.

The first which requires explanation is subclause (1) of clause 4. Under this clause, the company is obliged by the 30th June, 1973, to have completed and in operation the first stage of the Pinjarra refinery with a capacity of not less than 200,000 tons of alumina per annum.

The quantity of 200,000 tons per annum of production is the standard size unit of most of the alumina producing companies in the world today, and such is the case at Kwinana.

Subclause (2) sets out the company's obligation in connection with the development of a berth and associated facilities at Bunbury. The most important provision from the State's point of view is that the company will contribute the sum of $1,500,000 to the cost of dredging the access channel and turning basin for the proposed Bunbury inner harbour to a depth of 36 feet. This payment is a straightout grant to the State and it will be noted that the agreement contemplates that the work of deepening the harbour will be completed by the 31st December, 1975.

This is of special significance under the terms of the agreement, for if we have not deepened the harbour by then, the company does not have to make its contribution. I also emphasise the fact that this is only a contribution towards the initial work. Together with this, the wood chip industry is to make a substantial contribution of $2,900,000. Western Aluminium N.L. is more interested in going deeper than 36 feet and once it goes into this greater depth, the company incurs a greater financial commitment.

All facilities necessary for the company to export alumina from the Port of Bunbury will be provided by the company at its own cost. This work is to be completed by a date to coincide with the deepening of the harbour. The agreement provides that there may be an extension of time in certain circumstances appropriate to the situation.

This clause also provides for a wharfage of 15c per ton, which is similar to the wharfage charge applicable to the export of wood chips. Wharfage charges are to be adjusted in accordance with any increase or decrease in costs of the Bunbury Harbour Authority applicable to the company's operations, and I emphasise this latter aspect.

Provision is also made for a wharfage charge on tonnage of alumina in excess of 800,000 tons in any one year to be reduced by the sum of 3c per ton if certain conditions are met.

Firstly, if more than one company—in addition to Western Aluminium N.L.—has contributed to the cost of dredging of the inner harbour and the total tonnage of bulk materials passing through the harbour exceeds 2,000,000 tons a year, or, alternatively, if more than one company other than Western Aluminium N.L. contributes to the deepening of the harbour, thereby decreasing the State's commitment to provide capital, the reduction applies when 1,500,000 tons of bulk materials per annum are shipped through the port.

In effect, this clause gives the company some relief when tonnages build up but only when the State's obligation—and that reference is really a reference to the Bunbury Port Authority—in respect of interest and sinking fund on the funds invested in the harbour development are covered. The costs of operating the ports are very much related to the tonnage handled and it is from the tonnage handled that a recoup of costs can be obtained; hence the two adjustments of de-escalation and wharfage charges, having some regard, of course, to the contribution made by the company.

This clause also deals with the possibility of the company requiring a depth of water greater than 36 feet. The company will pay an agreed sum for any additional dredging it may require. We hope we will be able, eventually, to go below 36 feet. The company would like to see a harbour with a 43-foot depth, and this, together with other negotiations, may give us the means to get down to that depth and ensure that the south-west has a port of a useful size to enable it to cope with modern shipping requirements.

Subclause (5) of clause 4 covers the disposal of the red mud residues from the refining process. These will be pumped to the areas within the boundaries of the refinery and those areas will be prepared in a manner agreed to between the parties. Members can be assured that every precaution will be taken to ensure that no deleterious material from the residue

enters the underground aquifer or surface drainage system. We are confident that the precautions taken will be adequate because, not only does the Government have a responsibility here, but the company also recognises its obligation in this regard.

The Minister for Industrial Development, since the negotiations have been in progress, discussed this matter at Pinjarra with the local authority and a group of local people. Unfortunately, there are some who want to assume that neither the Government, the local authority, nor the company has taken this question of underground or stream pollution into account.

In particular, as regards some recent television coverage of this aspect, it is believed that the spokesman concerned had not taken the precaution to consult the local authority, the company, or the Government.

I desire to assure members that special precautions are being taken and the company, as part of its obligations, has had to acquire sufficient land as part of the refinery site, in order to deal with the red mud, throughout the foreseeable life of the refinery, within its boundary and without having to make the arrangements that have been made at Kwinana for using areas which are distant from the actual refinery.

The disposal of this mud will call for special techniques which are being worked out with the State Government engineers and advisers on the more scientific aspects. Undoubtedly, the company has obligations in respect of the underground aquifer, and natural streams and creeks in the area.

Subclause (9) of clause 4 details the arrangements in regard to the use of rail for the transport of the company's requirements. The company is obliged to transport by rail all alumina requiring shipment—other than the alumina produced at Kwinana—and exported through the wharf.

Obviously, the alumina that is produced at Kwinana need not be transported by rail because Kwinana is right on the wharf.

The agreement also provides that the company transport by rail all its requirements of cautic soda and fuel oil until a pipeline is installed. This aspect will naturally be dependent on the economics of pumping costs *versus* rail transport.

I should, at this stage, refer to the fact that one of the most difficult problems we had in negotiating this industry was the adverse economics created by having the refinery established inland. This aspect requires that all fuel oil, the starch, the caustic soda, the lime and the limestone have to be taken to the refinery, whereas with the location of the Kwinana refinery on the coast, this was obviated. The lime and limestone were close at hand and the starch just around the corner, as it were. Furthermore, access to caustic soda, which was brought into the area, was facilitated by the relative position of Kwinana to industry but these commodities, which run into huge tonnages, will have to be transported to Pinjarra, and by rail as required in the agreement.

These commodities cannot be carried in the alumina trucks to Pinjarra. Fuel oil cannot be carried in these trucks nor can caustic soda or starch. With lime, there may be a possibility, although it is a very difficult substance to handle in that manner and the fact is that we have to provide a composite set of railway trucks.

The railway freights are quite unique because they have been worked out between the Railways Department and the company on a composite basis. For the first time, we are to be using a composite type of train so we will have trains comprising wagons specially constructed for the transport of alumina in one direction and going back empty in the other. We will have fuel tankers, caustic soda tankers, and limestone trucks going the other way. Likewise, they will have to go back empty.

The rates which have been struck are profitable to the railways and they have been approved as a result of this agreement. There is in a schedule attached to the agreement a provision dealing with the turnaround time of five hours for the trains, after which the rail freights will have to be reviewed if the company cannot achieve a turnaround in that time. Obviously, if the trucks are held up for eight hours instead of five hours, for instance, it would have a very serious effect on the economics of this specialised freight movement.

Initially, the fuel oil will come from the Kwinana refinery. The day could arrive when it would come from Bunbury. The rail freights have been worked out on a very flexible basis, as Pinjarra is approximately equidistant from Kwinana and Bunbury. We have fixed a system where the trains operate from Kwinana to Pinjarra and Pinjarra to Bunbury. This brings in flexibility in the use of the railways at all focal points. This was done for a purpose. If we have 43 feet of water in Bunbury Harbour, there could be a time when we would want to step up the volume of alumina through that port and likewise bring in the required commodities through Bunbury. We do not know definitely where the caustic soda industry will be established. It might go to Kwinana but it could go to Bunbury.

It will be noted that the company will assist the State with the provision of the necessary capital for railway line upgrading and for rolling stock if required.

Freight rates have been calculated on the basis of using composite trains and the rates determined enable the operation to be profitable to the Railways Commission, as I have already indicated.

Subclause (11) of clause 4 requires the company to provide any houses necessary for the company's personnel and employees of contractors engaged on the company's operations. At the present time, it is intended that the new homes will be constructed in an area which will be a logical extension of the township of Pinjarra.

Clause 5 enables the company, in the absence of established facilities for natural gas, to construct a pipeline, but subject to any Act which may be in force.

Next week I hope to be giving notice of a Bill to establish a pipelines Act. This provision, making the pipeline subject to any Act which may be in force, foreshadows—as I have just stated—the introtroduction of legislation in respect of pipelines, particularly those dealing with petroleum.

Obviously, we cannot have a system that is peculiar to this company if it uses natural gas. However, we had to provide for a situation whereby natural gas would be brought to a certain point within the metropolitan area and there was no provision for distribution beyond that point. So, subject to the provisions of any legislation dealing with fuel—and by that I mean natural gas as well as liquid petroleum—there could be a proposition from the company for the installation of a pipeline, but this has to be approved by the Government.

The same applies to fuel oil because it can be foreshadowed that the day when the Pinjarra refinery gets nearer the size of the Kwinana refinery, the only sensible way to take fuel oil there would be through a pipeline and not in railway trucks. We could have the situation also where the refinery became so big that it would want to take the caustic soda through a pipeline instead of in railway trucks. This has been provided for but it is subject to any legislation dealing with pipelines.

Subclause (6) of clause 5 will enable the company at its cost to install and operate a conveyor system or a private railway from the mining area in the Darling Range to the Pinjarra refinery. There is a reason for this. It is because either method of transport will be preferable to the company's vehicles using roads, particularly from the safety angle.

When huge tonnages of bauxite are coming into a refinery, no matter how much care is taken with regard to a private road, it is seldom possible to keep it entirely as a private road. However, provision is made for both. The company must submit its proposals for approval. Preference may well be for the conveyor system and, in some aspects, its silence and safety are preferred as well as its obviating the necessity for the use of heavy trucks on the road.

The alternative is a private railway but provision is made for the railway to be approved only if it goes into the mine area and does not connect with the W.A.G.R. line. In other words, it cannot be an extension of a W.A.G.R. line.

Clause 6 deals with the provision of land for housing purposes and the company's obligation to contribute a fair and reasonable proportion of establishing necessary services and works—including sewerage treatment plants, water supply head works, main drains, education, hospital, and police facilities. This is, of course, one of the other difficult aspects when an industry is situated in an undeveloped area away from an established metropolis. The Government must negotiate for this infrastructure cost which runs into a very large proportion of the total.

The State cannot afford it and therefore it must negotiate with the company. I would remind members that we cannot have it both ways. We cannot expect to receive the royalties and also expect the company to undertake to provide all these amenities as well.

Clause 7 sets out the condition under which the company will obtain its processing water requirements. It is considered that the company will obtain sufficient water from underground sources. Extensive testing is at present being undertaken to determine the extent of the aquifer and the safety draw.

Should the supply of underground water be insufficient for the company's purposes, an alternative supply will be developed at the expense of the company. Provision is made for the company to join with the Government in further water development if the intial company development proves inadequate.

Clause 8 provides for the company to generate its own electricity requirements within the refinery site and to supply electricity for the purpose of operating pumps, crushers, conveyors, and other equipment, subject to the technical requirements of the State Electricity Commission. This is tied up with the techniques of alumina production and is consistent with the situation at Kwinana, because the heat which is used for production of bauxite into alumina is used for the generation of steam, and from the steam, of course, the company generates almost all its power needs.

Clause 9 imposes on the company an obligation to undertake an investigation into the technical and economic feasibility of establishing an aluminium smelter in the south-west region of the State and, from time to time, to carry out a review. The State Government can also carry out

its own independent review, of course. The purpose of this clause is to ensure that a smelter is built as soon as it becomes a viable proposition.

There is provision for the supply of alumina to a third party for a smelter, if the company does not proceed with the smelter at the appropriate time. This is a point we have been trying to bring about for a long time. The problem here is the question of available power. We have gone as far as we can go in trying to commit the company to provide a smelter at the earliest possible date. It is the company's desire and intention to do this, but I would remind members that power which costs above .5c—or 5 mills—makes it impossible. In fact, with the power being offered around the world today, .5c is now becoming dear for power for a smelter. The Middle East is offering it as low as .15c because the natural gas is just going to waste there. New Zealand offers it as low as .15c, which is 1½ mills. The highest they will charge for it at Manapouri is 2½ mills.

It may be pertinent to remark that in the Middle East natural gas is flared at a rate of millions of cubic feet a day, and no use whatever can be found for it; therefore whatever can be got for it represents some profit. The same situation applies with regard to Bahrein where some of our alumina will be smelted. It will not cost the company anything for fuel for the same reason. But our natural gas may well be used for refining to alumina at Pinjarra and this is an ideal use.

Clause 14 details a number of amendments to the principal agreement. The most important of these is that set out in subclause (1). This amendment changes the basis of royalty payment from bauxite to alumina. During the negotiations, the company argued that the existing basis of payment on bauxite mined does not encourage it to use a lower grade of bauxite. In other words, the more material which has to be mined, transported, and processed, to produce one ton of alumina, the higher the royalty payment made.

After a thorough study of this, the Government accepted those points as a reasonable proposition, because it is an axiom of mining, that if the low-grade ores are not taken out on the way through, very rarely, if ever, does anyone go back. We wanted to encourage the company to make the maximum extraction, in order to ensure the longest life possible for this project.

One of the problems with low-grade ores is, of course, that many more tons must be transported, much more caustic soda is required, and so much more heat is needed, that the economics of the proposition become marginal. We started out on a basis of 35 per cent. alumina to be processed. This was then lowered to 32 per cent. and very shortly it will be 25 per cent. This is a modest contribution on our part to try to encourage the company to do this.

Therefore, this would give us a royalty of 25c per ton of alumina. This has a number of advantages to the State, in that it is not less than that pertaining at present, and it will encourage the company to use a low-grade of bauxite without the royalty factor becoming progressively worse than with its competitors in other States, which have substantially higher grades of bauxite.

If we do not follow the line we have suggested here, we would be further penalising the Western Australian company, the more it went into this low-grade material.

Another important point is that during the negotiations on royalty we were able to have the company accept an amendment providing for a review of royalties every seven years after it commences commercial production of alumina at Pinjarra, and thereafter every succeeding period of seven years.

In the original agreement, the only review was tied to the price escalation, but under this renegotiated agreement, once the Pinjarra refinery has been in commercial production for seven years—until the agrement is completed—there will be a seven-yearly review of royalty. And this will apply to Kwinana also, as we were very anxious to break down the present position of being tied to the escalation of the price of aluminium.

The review would be in addition to the review tied to the world's price of aluminium, which already applies as set out in clause 14 (1)(3)(b). The amount payable on review can never be less than the 25c per ton of alumina. However, it can increase or decrease according to whether the royalty rates set out in the Mining Act have moved, or whether the average rate of royalty payable on bauxite mined within the territories of Australia, or any of the States, is greater or less than the royalty pertaining at the date of review.

We could not find any other formula except to tie it to the average of the States because, after all, our people are producing alumina—and later on will be producing aluminium which will compete on exactly the same market as that produced in the other States. We thought it reasonable to tie our people to the same royalty as is struck by Queensland and the Commonwealth. However, I repeat it can never be lower than the base royalty, and we never lose our escalation tied to the price of metal.

Summarised, what we have attempted to achieve is to ensure that the company pays a royalty that is reasonable to both parties, yet does not make its position uncompetitive with other companies mining in other States of Australia.

The importance of this aspect, I am sure members will appreciate. That the aluminium industry is extremely competitive there is no doubt, and if we attempted to impose a charge that was unrealistic, Western Australia would be unable to sell its product on the world market, and would be unfairly treated compared with its Australian competitors in the other States of Queensland and the Northern Territory.

As yet, no other States have known commercial quantities. Most have some bauxite but not in that category. Queensland looks like having a second Weipa in the near future, and if not as big as Weipa, it will be the same sort of set-up.

Subclause (2) of clause 14, permits the company to obtain a lease for a further period of 21 years. The company sought assurance on this extension because of a very heavy capital commitment involved in the establishment of a refinery at Pinjarra. We therefore agreed to give the company a further extension.

Subclause (4) of the same clause is designed to exclude from arbitration, any decision of the Minister where he has exercised a discretionary power. The amendment covered in subclause (5) provides for a review of the amount paid to the Conservator of Forests on account of compensation for forest cleared by the company's mining operations.

At the present time, the company pays $200 per acre for any area of the forest destroyed. While this sum is adequate in the present circumstances, it could prove insufficient in the future. Members will be interested to know that the area which has been mined to date, is being progressively replanted by the Forests Department, with trees paid for by the company, and good growth is being made over practically the whole of the area which has been replanted. It can be said that the company's obligations in respect of our State forests are being honoured.

In this, I am referring to the Metropolitan Water Supply, Sewerage and Drainage Board, and the Country Areas Water Supply Board. The company has proved to be honourable in these things and recognises its responsibility. The recently retired Conservator of Forests gave a very satisfactory report when asked to comment on this question, and his experience to date. This is mentioned because, naturally, there is apprehension on the part of some members of the public who are interested in conservation as to what action is being taken and what obligation there is on the company to reforest.

The company has a very definite obligation under the terms of the agreement, and it has to work under the supervision of and in accordance with the requirements of the Forests Department. I do not think we can go any further than we have done in this direction.

One final point concerns the Townsite Development Committee, which has been formed by the Government and which comprises a very strong senior officer representation from the key Government departments, and representation from local authorities.

The object of the committee, under the chairmanship of Mr. Parker, is to assist the local authority during what will be a very difficult period. We have had a lot of experience in the north now, and it became very obvious, at places like Port Hedland and Roebourne, that it was unfair to expect the local authority, which was very small, and had a very small income and staff, to be prepared for these sudden breakthroughs and to carry the burden.

In the north we have endeavoured to help with townsite development committees at Port Hedland, Dampier, and Roebourne. A similar organisation has been set up at Pinjarra, and the neighbouring shires have also been invited to liaise with the Pinjarra Shire Council, because this industry will be a focal point in our south-west regional development scheme.

To the best of our knowledge the local authorities are thoroughly satisfied with the liaison established and the work already done. We are setting up a town planning scheme which they could not be expected to handle on their own. There will be problems in connection with sewerage, drainage, water supplies, and town and area development because the people who will live in Pinjarra are only part of the impact of this agreement.

To give members some indication of what the impact will be, when the two units are in production 500 permanent workers will be directly related to the project. This figure will compound—not at the same rate—as the company goes into greater production.

An estimate of the side effects of the project is that within a period of 18 years the population of Pinjarra and its immediate neighbours will have increased to 23,000 persons. These will not all be related to the company's activities, because one industry creates another.

The impact will be greater in that area, in isolation, than if the industry was built in an established community such as Kwinana. It is interesting to note that within a period of 20 years it is foreshadowed that there will be 6,000 additional houses in the district.

I think members will agree with me that this is a very important agreement, and I heartily commend it to the House.

May I just add that I think when this industry reaches its full stage of fruition, its impact will bring about decentralisation at its best.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 3rd September.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [3.40 p.m.]: All members appreciate the reasons which prompted Mr. Stubbs to introduce this Bill and we all appreciate the sincerity with which he approached the subject when he moved the second reading.

This, of course, can become a very emotional type of subject, and, because of this, some of the practicalities may be missed. I know representations were made to Mr. Stubbs because the same people over a number of years have made representations to me. It is a subject which has been discussed very widely. I myself raised the matter at a conference of State Ministers for Local Government because I was seeking an answer to the problem. However, one was not forthcoming at that conference. At a conference of Lord Mayors held in Perth last week the subject was discussed, but they could not find an answer.

I have been through most of the regulations and ordinances forwarded to Mr. Stubbs and of which I received a copy. Actually I have looked through them many times, and, in doing so, I found that they are not uniform. An ordinance from one State—the ordinances and regulations I have are mainly from the United States —will not be the same as an ordinance from another State, and so on.

Some classify a swimming pool as a pool which is two feet deep or more, while others stipulate that even if it is only 18 inches deep it is a swimming pool. Some class plastic wading pools over a certain size and gallon capacity as swimming pools, while others do not. Some do not allow portable swimming pools to be any larger than 5,000-gallon capacity; and some have a by-law or ordinance which states that a fence must be four feet high, while others say the fence must be five feet high. So there is a vast variation in these ordinances and if one were trying to choose one of them as a precedent, it would be very difficult to know which one to pick.

I do not know whether members noticed last week or the week before an advertisement in the *Daily News*. It concerned portable swimming pools, and eight or 10 different sizes were advertised, varying from six feet in diameter and 12 inches deep, to 12 feet in diameter and up to three feet deep. Just how we could make a by-law to provide for these to be fenced, I do not know. Some of those who went to the Royal Show would no doubt have seen the pool on exhibition there. It was about two feet six inches to three feet high, and was almost transportable. The firm had to transport the pool there and then dismantle it and take it away again when the Royal Show was over.

One of the ordinances to which I was referring stipulates that a swimming pool can be placed only in the backyard; and so it goes on. If we start to look at the practicalities of these problems we find that the situation is not as easy as it seems. It is obvious from the Bill as it is drafted that even Mr. Stubbs has not quite grasped the situation either.

Without being critical I would like to state what is wrong with the Bill in its present form and then perhaps members will gain a better appreciation of what I am trying to say.

First of all, Mr. Stubbs wants a definition of "private swimming pool," and he includes in this the wading pools. Therefore a definition of "wading pool" would have to be included as well as a definition of "private swimming pool"; and the size of the wading pool would have to be stipulated, and we could run into difficulties in that regard.

Next the honourable member asked for regulations for the control of the design, erection, construction, maintenance, and fencing of these pools. I have a publication entitled "Suggested Minimum Standards for Residential Swimming Pools," which was issued by the National Swimming Pool Institute, Washington, D.C. With regard to the design, construction, equipment, and material standards for residential swimming pools, the following are required:—

(a) Structural design.
(b) Dimensional design.
(c) Materials of construction.
(d) Deck equipment (steps, ladders, stairs, diving boards and platforms).
(e) Fences, enclosures and safety equipment.
(f) Electrical requirements.
(g) Water supply.
(h) Inlets and outlets.
(i) Recirculation system (piping, fittings, filters, skimmers).
(j) Skimmers.
(k) Filters.
(l) Pumps and strainers.
(m) Valves.
(n) Chemical treatment and disinfection.
(o) Chemical feeding equipment.
(p) Testing equipment.
(q) Waste water disposal.
(r) Lifesaving and emergency equipment.

The Hon. J. Dolan: That is in America, is it not?

The Hon. L. A. LOGAN: Yes; but any Western Australian local authority could get hold of these ordinances and include these specifications in its by-laws. I do not think we want to go that far, and I do not think Mr. Stubbs wants us to do so either. Mr. Stubbs then refers to the proper purification of the water supplies.

Sitting suspended from 3.46 to 4.6 p.m.

The Hon. L. A. LOGAN: Before the afternoon tea suspension I was commenting on the Bill, but perhaps I should have gone back to the beginning—to the definition. I think it would have been better had the proposed definition been placed under section 245 of the Act, and not under section 6. Section 245 of the Act deals with swimming pools and the definition could have been placed in that section.

Also I think that the proposed regulations should have applied under section 6 of the principal Act because under section 433 the by-laws could apply only to swimming pools constructed in the future. I think it is necessary to have complete control and to make sure that those pools already constructed have some protection.

Dealing with purification of water, I think this matter rightly belongs to the Health Department. The Health Department has stated that it is its prerogative.

The last proposed regulation deals with the safety of persons, and provides for the fencing of private swimming pools. I think that what the honourable member really wanted was safety for those persons who do not use the pools. I think that was his intention.

The Hon. R. H. C. Stubbs: Persons using a pool illegally.

The Hon. L. A. LOGAN: I do not think the proposed by-law would achieve the real intention of the honourable member. However, since the introduction of this Bill I have given a great deal more thought to the problem, and the Government, too, has given more thought to it. Even if all the proposals were in order I find one grave difficulty. The proposal is purely for a by-law-making power to be granted to local authorities. One local authority might promulgate the by-laws, but others might not. So the honourable member would not accomplish what he had in mind.

I am prepared to bring down an amendment to the Local Government Act—amongst the amendments which are coming up—to make provision for a uniform by-law so that it will apply to all local authorities. The proposed amendment is already under way. The local authorities will have to apply the by-law whether they like it or not, because it will apply to all local authorities in the State.

I think this procedure will be much better than that proposed by Mr. Stubbs. It will not be easy to work out a uniform by-law which can apply. However, a great deal of data has been sent to us, and there is a definition in the publication produced by the National Swimming Pool Institute, Washington. That definition reads as follows:—

> For purposes of these standards, a RESIDENTIAL POOL shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner family(ies) and its (their) guests, and which is over twenty-four inches (24 in.) in depth and (a) has a surface area exceeding 250 square feet, or (b) a volume over 3,250 gallons.

That seems to be a fairly practical definition. In regard to fencing, the same publication states as follows:—

> Outdoor swimming pools shall be protected by a fence, wall, building, enclosure or solid wall of durable material of which the pool itself may be constructed or any combination thereof. Artificial barriers shall be constructed so as to afford no external handholds or footholds, of materials which are impenetrable by toddlers, at least 4 feet in height so that a toddler cannot grasp its top by jumping or reaching, and equipped with a self-closing and positive self latching closure mechanism at a height above the reach of toddlers and provided with hardware for permanent locking.

I think fencing is the main problem we are trying to overcome. That definition is different from others which allow for a four-inch gap. To me, a four-foot fence containing four-inch gaps would be useless. My two-year old granddaughter can clamber over an eight-foot fence quicker than I can, and I am sure she would have no trouble in getting over a four-foot fence which has four-inch gaps.

The definition I have just quoted seems to be a fairly good one. I have to admit that whatever we do we will not prevent fatalities. Mr. Stubbs mentioned the case where a pool was fenced, and there was also a gate. However, whether or not a locking mechanism is fitted it does not always work. In the case mentioned by Mr. Stubbs, the fence had been erected and the gate had been fitted, but the gate was left open. The result was a child was drowned.

There was a case only last week where a child was drowned in the river. So I do not know how we can prevent fatalities altogether. However, I appreciate any attempt to prevent those which we can. If, as has been stated, at least 90 per cent. of the pools are protected then that is a start. I might mention that I wrote to both the Architects Board and the Master Builders

Association and asked those bodies to ensure that, wherever possible, when designing swimming pools, they be designed as safe as possible. To some extent I think those organisations have complied with my request.

I have noticed that one suggestion is that any pool more than five feet deep should have an electric light installed under the water. I do not think we need to go that far.

I am quite sincere when I say that I have already given instructions for the Local Government Act to be amended so that we can bring in a uniform by-law to deal with the fencing of swimming pools. I think this is the main problem. I suggest to Mr. Stubbs that if he will allow the Bill to stay at the bottom of the notice paper I will guarantee to bring in an amendment to the Local Government Act.

I think we can give Mr. Stubbs some credit for the amendment because he has brought the matter to Parliament and so to the light of day. Because of his interest some action will be taken by the Government and—I am sure by local authorities—to put the proposals into effect.

As I have said, we will not prevent drownings altogether, but if we save one or two lives then the effort will be worth while. On that basis I ask the honourable member to agree to my proposition.

Debate adjourned, on motion by The Hon. J. Dolan.

House adjourned at 4.14 p.m.

Legislative Assembly

Thursday, the 9th October, 1969

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

QUESTIONS (27): ON NOTICE

1. TRANS.-TRAIN

Conductors

Mr. BATEMAN asked the Minister for Railways:

Is it intended that conductors working on the trans.-train between Perth and Kalgoorlie will be required to continue to Port Pirie?

Mr. O'CONNOR replied:

No alteration of existing arrangements is intended at the present time.

2. POLICE STATION

Meckering

Mr. McIVER asked the Minister for Police:

(1) Is the closure of the Meckering Police Station being contemplated?

(2) If so, what are the reasons?

(3) What was the total cost incurred in renovating the police quarters at Meckering?

(4) If (1) is "Yes", what is to happen to existing police quarters?

Mr. CRAIG replied:

(1) Yes.

(2) Police protection for the district can be more effectively provided from Cunderdin and Dowerin stations which are being upgraded in strength for this purpose.

(3) A contract was let in July, 1968, for repairs and renovations at a final cost of $9,140.30. The work was completed in February, 1969.

(4) The existing police quarters will be handed over to the Public Works Department for use of another Government department, or for letting.

3. EDUCATION

Junior High Schools

Mr. McIVER asked the Minister for Education:

(1) How many junior high schools have been constructed in Western Australia since January, 1961, and where are they situated?

(2) What is the anticipated intake of school children at the Avondale Primary School, Northam, for 1970?

(3) As the additional classrooms will not be ready for 1970, how does the department intend to handle the excessive increase?

Mr. LEWIS replied:

(1) No junior high schools as such have been constructed in this period. The 14 junior high schools established since 1961 have all been upgradings of existing primary schools. These schools and years of establishment as junior high schools are—

1961—Nannup, Northampton.

1962—Darkan, Lake Grace.

1963—Carnamah, Narembeen, Northcliffe.

1964—Dalwallinu, Port Hedland.

1965—Southern Cross.

1966—Kulin.

1967—Nil.

1968—Exmouth, Toodyay, Williams.

1969—Nil.

(2) 420.

(3) If the additional classrooms are not ready for February, 1970. classes could be temporarily accommodated at Northam Primary School.