There is no provision, however, in respect of aircraft as regards transport, or explosive substances as regards fishing. Consequently, when an inspector or police officer has reason to believe that this means of transport, or method of obtaining fish, is being used, there is no provision for apprehending the culprit. The amendment to this section will rectify the matter.

Opportunity is taken to bring the second schedule up to date in accordance with the latest list published in the *Government Gazette* on the 28th October, 1960.

There is a further matter which I shall explain to members, with your indulgence, Mr. President, because although it does not come under the provisions of the Act, it is a matter coming within the provisions of the regulations which may be made under the Act. This is the question of the processing of crayfish meat. A great deal of publicity has recently been given to this aspect of the industry. I am advised that, in its early stages, the industry used only meat from the legs and meat left in the carapace after de-tailing. However, with the development of the industry a most undesirable practice has crept in; that being the processing of under-size crays into crayfish meat. This has probably been intensified because of the increased penalties for dealing in small crays and craytails.

It is considered that there is reasonable control in the very undesirable business being done in under-size crayfish at the present time in respect of whole fish or tails. It is much more difficult—if not completely impossible—to exert this control when the meat is removed from the under-size shell and cut up. While it is appreciated that the Government's intentions in this regard will affect legitimate trading in the craymeat business, it is considered that the only way in which the tactics of unscrupulous fishermen and dealers can be stopped is to ban the craymeat trade absolutely.

It has been decided, therefore, to place a complete embargo on craymeat in order to conserve, at all costs, this industry which has proved itself of such value to the State.

It is reputed that what was happening was that these under-size crayfish were being boiled in large containers—some of which were situated along the coast—and it was impossible to identify the crayfish when inspections were made. The pieces of crayfish were being packaged into tins and cartons. If any honourable member had been visiting restaurants at various times lately and ordered crayfish, he would probably have found it was cut into small pieces; and, if so, he would have been eating under-size crayfish.

Debate adjourned, on motion by The Hon. G. E. Jeffery.

House adjourned at 3.14 p.m.

Legislative Assembly

Thursday, the 12th October, 1961

CONTENTS

CONTENTS—*continued*

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

QUESTIONS ON NOTICE

WATER AT ALBANY

Consumption

1A. Mr. HALL asked the Minister for Water Supplies:

What was the water consumption in Albany for the following years:—1955, 1956, 1957, 1958, 1959, 1960, and 1961?

Mr. WILD replied:

Water consumption in Albany was as follows:—

Year.	Gallons.
1954-55	137,403,000
1955-56	156,451,000
1956-57	175,361,000
1957-58	193,394,000
1958-59	213,626,000
1959-60	205,718,000
1960-61	238,584,000

SEWERAGE AT ALBANY

Homes Connected and System of Payment

1B. Mr. HALL asked the Minister for Water Supplies:

(1) How many homes have been connected to sewerage by the deferred payment scheme, and what number by direct payment, and what are the total sewerage connections to sewer mains at Albany?

(2) When is it anticipated that residents in Lockyer Avenue, Albany, will be connected to the sewerage main?

(3) When will the booster pump in that area be in operation?

Middleton Beach Area

(4) When is it contemplated that sewerage mains will be laid in the Middleton Beach area, Albany?

Mr. WILD replied:

(1)	Direct payment	1,016
	Deferred payment	232
	Total:	1,248

(2) Sewers will be available for house connections in February, 1962.

(3) The pumping station is now in operation.

(4) At present there are no firm proposals to extend sewer mains to the Middleton Beach area.

TOWN PLANNING BOARD

Policy on Road Access for Vehicles

2. Mr. OLDFIELD asked the Minister representing the Minister for Town Planning:

(1) Is it the policy of the Town Planning Board to insist in the case of every new subdivision that road access for vehicles be provided to every lot or location, whether these be for private ownership or public purposes?

(2) Are there any departures from this policy; and, if so, in what circumstances?

Mr. PERKINS replied:

(1) In the case of private ownership, access by constructed public road is required to all lots.

(2) Access required to land for public purposes may be varied where use is of a temporary nature or only periodic access is required; e.g., public utility reserves.

Reserves for recreation purposes may be established temporarily without road access where more than one ownership is involved or partial subdivision is involved.

EMBLETON HIGH SCHOOL

Anticipated Number of Students and Accommodation

3. Mr. OLDFIELD asked the Minister for Education:

(1) What is the anticipated number of students who will be attending Embleton High School as from February, 1962?

(2) What classroom accommodation will be available by the 9th February, 1962?

Facilities

(3) What facilities will be available for—

(a) home science;
(b) trades and sciences;
(c) manual training;
(d) physical training;
(e) sports?

Mr. WATTS replied:

(1) 980.

(2) A contract has been let and a stipulated date for completion is the 9th February, 1962. It provides for 36 classrooms, including specialist rooms.

(3) (a) 4 home science centres.

(b) 2 art, 1 craft, 1 music and 3 composite science laboratories.

(c) 6 manual training centres.

(d) No gymnasia in the present contract.

(e) Hockey field, football oval, 6 tennis courts and 2 basketball courts.

4. *This question was postponed.*

WELLINGTON DAM CATCHMENT AREA

Grazing Leases

5. Mr. W. A. MANNING asked the Minister for Lands:

(1) Is there any move to cancel grazing leases in the catchment area of the Wellington Dam?

(2) If so—

(a) in what portion;

(b) when?

Mr. BOVELL replied:

(1) Generally, no.

(2) Answered by No. (1).

6. *This question was postponed.*

FRIENDLY SOCIETIES

Pharmaceutical Benefits, and Membership

7. Mr. O'NEIL asked the Minister for Health:

(1) How many friendly societies' pharmacies are operating in Western Australia?

(2) Are any restrictions placed on—

(a) the number of such pharmacies;

(b) the membership of friendly societies?

(3) Would he know the present membership of friendly societies now as against, say, two years ago?

(4) Is he aware that, for a quarterly subscription of 4s., a member may have any prescription, for which there is a minimum charge of 5s. under the Commonwealth Pharmaceutical Benefits Scheme, filled for 1s. 6d.?

(5) Is the apparent additional subsidy of 3s. 6d. paid by the Commonwealth Government?

(6) Is he aware that because of this additional subsidy pharmacies other than friendly societies' pharmacies are complaining of loss of patronage to these latter pharmacies?

(7) If the implications in my questions have any foundation in fact, would he make representations to the Federal Minister for Health to either—

(a) discontinue the extra subsidy payable to friendly societies pharmacies; or,

(b) reduce the minimum cost of prescriptions under the Commonwealth Pharmaceutical Benefits Scheme to 1s. 6d.

and preferably the latter?

Mr. ROSS HUTCHINSON replied:

(1) Seven.

(2) (a) No.

(b) No.

(3) Including honorary and medical members, 42,254 at the 30th June 1959 and 42,837 at the 30th June 1960. Figures for 1961 are not yet available. I believe the figures will be available for this current year in about three or four weeks' time.

(4) Yes. I understand that friendly societies' pharmacies are not permitted to advertise this fact as a means of securing new members.

(5) No.

(6) No, and there appears to be room for both types of organisations.

(7) There does not appear to be any need for me to take this matter up with the Federal Minister for Health.

CAPITAL CITY PRICES

Definition and Authority to Declare

8. Mr. HALL asked the Minister for Labour:

As country people are often subjected to price dictation by what is known as capital city prices, can he advise the House what is a capital city price, how it is arrived at, and what authority the power has to declare capital city prices?

Mr. PERKINS replied:

The Department of Labour has no knowledge of what is meant by a capital city price. I suggest the honourable member discuss his problem with the Government Statistician.

RAILWAY CAPITAL INDEBTEDNESS

Interest and Inclusion in Annual Estimates

9. Mr. HALL asked the Minister for Railways:

(1) Is the W.A.G.R. billed with interest by the State Treasury Department, or any other body?

(2) Is interest raised in the railway books?

(3) Is the interest on railway capital indebtedness included in the department's expenditure in so far as the Annual Estimates presentation to Parliament is concerned?

Mr. COURT replied:

(1) and (2) The State Treasury renders a statement of interest calculation to the Railways Department and this is brought to account in railway commercial figures as published in the annual report. It is not included as an operating expense but is taken into account in determining the final overall trading result.

(3) It is included in the summary shown at the foot of the Railways Department's estimates.

SPEAR GUNS

Control Over Operation

10. Mr. HALL asked the Minister for Fisheries:

(1) Are owners of spear guns required to register with the Fisheries Department?

(2) If not, what form of control is there over operators of spear guns?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) The power to control is given by the Spear Guns Control Act, 1955, administered by the Minister for Police.

HOUSING FOR NATIVES

Provision at Carnarvon

11. Mr. NORTON asked the Minister for Native Welfare:

In answer to a question on the 16th August, he said that it was planned to erect six type V houses at Carnarvon provided land was available.

(1) Has his department made any inquiries since the 16th August in respect to suitable land?

(2) If so, with what results?

Mr. PERKINS replied:

(1) Yes.

(2) The Town Planning Board approved of the subdivision on the 22nd August, 1961. Instructions for survey have been issued, and when the survey has been completed the lots will be reserved.

DAIRYING INDUSTRY

Commonwealth Policy on Committee Recommendations

12. Mr. KELLY asked the Minister for Agriculture:

(1) Can he advise the House whether the Commonwealth Government has determined its policy in regard to the recommendations of the committee of inquiry into the dairying industry?

(2) If not, can he indicate when a decision is likely?

Mr. NALDER replied:

(1) and (2) So far as I am aware, the Commonwealth Government has not made any statement of its policy in regard to the recommendations of the committee of inquiry into the dairying industry.

COPPER SHORTAGE

Committee's Investigations

13. Mr. KELLY asked the Premier:

What stage has been reached by the committee appointed to study the copper shortage and means of improving supplies for agricultural use?

Mr. BRAND replied:

The committee appointed to investigate copper supplies for agricultural purposes has commenced its inquiries.

Manufacturers' representatives have indicated that there will be adequate supplies of copper fertilisers for the coming season.

The committee is continuing its inquiries into other aspects of the problem, including the availability and use of other copper ores known to exist in Western Australia.

PATTERSON'S CURSE

Increase and Eradication

14. Mr. KELLY asked the Minister for Agriculture:

(1) Has Patterson's Curse been declared a primary noxious weed?

(2) Is he aware that this weed is rapidly spreading along the Great Eastern Highway between Northam and Kellerberrin?

(3) What steps are being taken to eradicate this pest?

Mr. NALDER replied:

(1) Yes.

(2) Yes.

(3) Control measures are already being carried out in some districts and a survey is being undertaken in the Northam-Kellerberrin area with a view to organising a control programme next year.

HIGH SCHOOLS

Number, Students, and Tennis Courts

15. Mr. DAVIES asked the Minister for Education:

(1) How many high schools are situated in the metropolitan area?

(2) How many students currently attend each of these schools?

(3) How many tennis courts are located at each of these schools?

Mr. WATTS replied:

(1) Seven senior high schools; 10 high schools.

(2) and (3)

Senior High School.	Number of Children.	Number of Tennis Courts.
Applecross	1,442	7
Governor Stirling	1,768	12
John Curtin	1,836	7
Kent Street	1,500	0
Mount Lawley	1,327	6
Perth Modern	1,407	8
Tuart Hill	1,679	4
High School.		
Armadale	999	10
Belmont	1,170	8
Bentley	720	9
Forrest	395	0
Hollywood	1,092	4
Melville	996	6
Perth Girls'	635	5
Scarborough	1,119	9
Swanbourne	277	*
Embleton	548	*

* The buildings of the Swanbourne and Embleton High Schools are not yet completed; hence there are no courts.

QUESTION WITHOUT NOTICE

MATRON MATTINSON

Resignation from King Edward Hospital: Board's Statement

Mr. GRAHAM asked the Minister for Health:

Has he yet received a report from the board of management of the King Edward Memorial Hospital; and, if so, can he give replies to questions asked earlier regarding the dismissal of the matron of that hospital?

Mr. ROSS HUTCHINSON replied:

I have just this moment received a report from the chairman of the board (Mr. Frank Boan) and I shall read it to the House, together with his brief accompanying note. The note is addressed to me as Minister for Health and reads as follows:—

Please find enclosed statement on behalf of the board, as requested.

The Board hopes that now the Hospital will be permitted to function normally without any further publicity.

The enclosed statement reads—

In view of the press statements concerning the resignation of Miss A. J. Mattinson as Matron of King Edward Memorial Hospital for Women, I wish to clarify the position of the board with you.

The Board, in accordance with the Hospitals Act, is responsible for the control, management, and maintenance of the hospital and must take whatever action it considers necessary to ensure the efficient administration of the hospital.

The Board of Management, after long and careful thought, decided that it was necessary to make a change in the nursing administration of the hospital, involving the termination of Matron's services, as it is satisfied that this is in the best interests of the hospital.

The Board's representatives interviewed Miss Mattinson in order to see how Matron's termination of services could best be achieved without causing her any avoidable embarrassment, and to state what the Board was prepared to do for her in addition to what the Award provided.

Matron was advised that the Board desired to avoid giving formal notice of termination as this might possibly affect her chances of employment elsewhere. She was advised, therefore, that the first course open to her would be to resign.

As it would appear that ordinary resignation would affect her rights to long service leave, it was suggested that, if she desired, a resignation conditional upon full rights to long service leave being preserved would be accepted by the Board, which would comply with the condition.

Furthermore, in this event and in recognition of Matron's seniority and past service, the Board

would be prepared to pay her salary for a total period of nine weeks from the date of her resignation in addition to 3½ months accrued long service leave, but the Board would expect her to terminate her services by the 31st October, 1961.

The effect of this would have meant, apart from long service leave rights, payment of salary in lieu of services to the 31st December, 1961.

The second course, if Matron decided not to resign, was for the Board to give formal notice of termination in accordance with the appropriate Award, in which case she would retain long service leave rights.

Matron submitted her resignation as from the 20th October, 1961, and the Board will pay her in accordance with the advice to her.

It will be appreciated from the above that the Board was intent on doing everything possible to avoid embarrassment to Matron in her interests and also those of the Hospital.

Tabling of File

In addition I would like to say that the other day the member for Eyre asked if I would table the file relating to Miss Mattinson's resignation. I have read Matron Mattinson's personal file and find there is nothing of real significance in it. However, as I have said, I am prepared to show it to a representative of the Opposition, in confidence at this juncture; and then, if that representative should still desire the file to be tabled, I would have to consider it further, but only after I had consulted with the chairman of the board and had given very great personal consideration as to whether or not such file should be tabled.

BILLS (3): INTRODUCTION AND FIRST READING

1. Education Act Amendment Bill.

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

2. City of Perth Parking Facilities Act Amendment Bill.

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

3. Laporte Industrial Factory Agreement Bill.

   Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

WELFARE AND ASSISTANCE BILL

Third Reading

Bill read a third time, on motion by Mr. Watts (Attorney-General), and transmitted to the Council.

MEDICAL ACT AMENDMENT BILL

Second Reading

Debate adjourned from the 10th October.

MR. NULSEN (Eyre) [2.34 p.m.]: This is only a small Bill, although it may be important. The first principle contained in the measure certainly is. I think the easiest way to explain the Bill is to quote from the measure itself, because it is very clear and self-explanatory. It says—

> Any person who—
>
> (i) satisfies the Board that he is of good fame and character; and
>
> (ii) is desirous of engaging in the occupation, as his sole professional occupation in the State, of teaching or research in medicine or surgery under the direction and control of a teaching or research institution; and
>
> (iii) has such qualifications in medicine or surgery as in the opinion of the Board fit and qualify him for appointment to a position connected with, and to engage in the occupation of, teaching or research in medicine or surgery,
>
> shall, upon his making application to the Board for registration, be entitled to be registered as a medical practitioner under this Act during such time as his appointment and engagement in such teaching or research continues to be his sole professional occupation in the State, if in the opinion of the Minister and at the absolute discretion of the Minister it is desirable in the interests of the general community of the State to grant such registration.

I cannot see anything in this Bill to which one could object, because we should take every advantage possible to utilise the services of anyone who comes here, whether by invitation or otherwise, provided he possesses the qualifications as set out in the Bill. I notice he is acceptable only as a teacher or as a demonstrator as far as surgery is concerned. There is one thing I would like to know; and perhaps you, Mr. Speaker, could tell me: Does this Bill appertain to male or female, or male and female, or to male only?

Mr. Ross Hutchinson: Male and female.

Mr. NULSEN: It does not say so in the Bill.

Mr. Ross Hutchinson: It is covered by the Constitution Act which states that "male" includes "female".

Mr. NULSEN: The second portion of the Bill which I desire to quote reads as follows:—

> Any person who appears in person before the Board and satisfies the Board that—
>
> (i) he is registered under any Act of a State or Territory of the Commonwealth as a person entitled to practise medicine or surgery; and
>
> (ii) his sole occupation is that of a medical officer in the employment of the Commonwealth, or a medical officer permanently attached to any of the Armed Services of the Commonwealth,
>
> may, if the Minister in his absolute discretion thinks fit, be registered as a medical practitioner under this Act, without payment of any practice fee payable under this Act, during such time as he continues to fulfil the requirements of subparagraphs (i) and (ii) of this paragraph.

I cannot see any objection to this as it only means that doctors will not have to pay another registration fee. That is only fair, because they are working for the whole of the Commonwealth. I support the Bill.

DR. HENN (Leederville) [2.38 p.m.]: This Bill purports to do two things. First of all it seeks to permit visiting surgeons, physicians, or gynaecologists who happen to be in this State to practise the arts of medicine, surgery, obstetrics, or gynaecology while they happen to be here.

It often happens that during a medical congress or conference there is a collection of highly eminent medical people, not only from the Eastern States, but from other countries in the world. It may well be that we in Perth have a difficult case such as a heart case or a brain operation which is required to be performed. Therefore, this makes it possible, if the Bill becomes an Act, for one or several of those visiting specialists either to assist at or do the operation.

One can well remember quite recently several cases, not only in Perth but in other States. There have been several persons from the Eastern States who have had to go to America or Europe for delicate heart operations. Not that I am suggesting it was necessary for them to go, because in Western Australia we have a very excellent heart surgeon in the person of Mr. J. A. Simpson, who is young and who has quite recently visited the U.S.A. and the United Kingdom, and is therefore up to date in such matters.

It is the custom for medical science to interchange its prowess and ideas amongst its representatives all over the world. It might come about that we wish to send for a surgeon from another part of the world, and he will be permitted, under this Bill, if it is passed, to perform an operation here in Perth which would be a great advantage in that the patient would not have to be transported many thousands of miles in some cases, which, of course, would probably be detrimental to his or her health, and would not give the patient the best advantage in the long run.

The first part of the Bill seeks to temporarily register visiting specialists. It also applies to the field of medicine where we very often have a difficult case which it is not possible to diagnose. These specialists can be asked for, and give an opinion. A case might need several opinions in order to reach a conclusion which would be best for the patient.

The other part of the Bill purports to allow Commonwealth medical officers and medical officers in the armed forces to have reciprocal registration while they are posted to this State. I can well remember, during the war, when I was stationed at Heidelberg Hospital in Melbourne, being asked to do a week-end locum tenens for an overworked practitioner. I was glad to do this for several reasons which I will not mention here; but I did not have to pay £3 3s. or £5 5s. in order to do that week-end. So that evidently in Melbourne I was committing an offence in doing this work—or perhaps it was not an offence because of a similar Act operating then in Victoria. The second part of the Bill is excellent, as is the first part. For those reasons I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

GOLD BUYERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR. MOIR (Boulder) [2.45 p.m.]: This is a small amendment to the Gold Buyers Act, but a very important one. The words proposed to be inserted in the Act are already contained in the section; but there is nothing in the section relating to possession of gold. Apparently there is an anomaly which is now being corrected. I would like to say a few words about the significance of the amendment and the significance of the words "gold matter."

We know that anybody who is in possession of illicit gold can be dealt with under the Gold Buyers Act or under the Police Act. The Gold Buyers Act refers to the specific thing or matter, and I would say is sectional legislation. Under the Police Act, when people are in illegal possession of items of not very great value,

and the offence is not regarded so seriously by the authority who hears the case, small penalties can be imposed and, in fact, for first offences are almost invariably imposed. But under the Gold Buyers Act we find that far greater penalties are imposed. Under this Act, for being in possession of gold or—as it is now proposed to make it—"gold matter," there will be penalties from £2 to £300, or imprisonment for up to two years; or both.

I submit that is a very serious set of penalties which can be imposed on a person who is a first offender. Earlier in the session the member for Kalgoorlie asked several questions of the Minister for Police. In reply to his questions as to how many cases were brought before the courts, the Minister replied as follows:—

(a) 20 charges were preferred under section 36 of the Gold Buyers Act for the years 1958, 1959, 1960, and to the 30th June, 1961.

(b) No charges were preferred under section 76A of the Police Act.

Although it was not mentioned in the Minister's reply, I believe that no charges have been laid under section 69 of the Police Act. The Minister went on to say that none of the 20 persons charged were able to satisfy the magistrate that they came by the gold or gold matter legally. Asked how many prosecutions had failed directly because of the absence of the words "or the said gold matter" subsequent to the word "gold" in the first line of the paragraph, the Minister replied that no charges had failed because of the absence of the words in paragraph 2 of section 36 as it had only recently been raised. He said further—

> On that occasion the gold material, subject of the charge, had contained free gold.

It appears that when the question was raised in that particular case somebody decided that the position should be rectified. In some of these cases ridiculous positions have arisen, and very unfortunate decisions have been arrived at. Some people on the goldfields have been apprehended for having a piece of gold the size of a match-head in a tobacco tin, or some other container on their premises, and they have been charged and convicted and a penalty has been imposed on them. In some cases it has been a gaol sentence of three or four months; and in one case a man was fined £100. I think it is a terrible state of affairs, especially when only a small piece of gold, which somebody may unwisely have picked up from his work place, is involved.

I would like it to be understood, too, that a miner can work in a goldmine for many years, particularly on the goldfields, and he may never see a speck of gold which is visible to the eye. As a matter of fact, working in the mines like that is no more exciting than working out on the road breaking metal.

Mr. Ross Hutchinson: Is that gold matter?

Mr. MOIR: Yes. It would contain gold, but perhaps only 3 dwts. or 4 dwts. to the ton. So one can readily understand that when that amount of gold is spread through a ton of rock it certainly cannot be seen. Nevertheless, it would be gold matter.

But let me get back to my previous line of thought. If some people had worked in a mine for many years, and they saw a tiny piece of gold, they might be tempted to take it as a souvenir. If such a person took that speck of gold home and stored it in a tin, and his home was searched by the gold detection staff and the gold was discovered, he would be liable to the full rigours and penalties of the law.

The man who was fined £100 was married and had eight children. I interceded on his behalf in an effort to allow the fine to be paid in small weekly amounts, because he could not find the £100 in a lump sum. However, if he had not paid the fine he would have gone to gaol. The gold in that case was estimated to be worth about 12s. In fact, the evidence brought before the court was that it would have cost more to extract the gold from the small piece of stone than the gold was actually worth. I think the figures mentioned were that it would probably cost over 16s. to extract the gold which, when it was extracted, would be worth 12s. It was of no commercial value to the person concerned; but for having it in his possession he was fined £100.

Only a few months ago a man in Boulder was charged and convicted. He had a small tin on his kitchen cupboard with one or two pieces of gold in it. His explanation was that one of his children had found them, had brought them home, and his wife had shown them to him. He placed them in a tin and put them on top of the cupboard and promptly forgot about them. His house was searched, the gold pieces were discovered, and the man went to prison.

I instance those cases to show members how harshly the law is interpreted in these instances. We know that many years ago on the goldfields gold stealing was rife, and that prompted the imposition of harsh penalties. The feeling seems to be that if a man takes gold from these mines he is jeopardising the existence of the whole of the goldmining industry. That is the only reason I can think of for these harsh penalties being imposed. However, since the present magistrate has been on the goldfields he has been imposing fines—and not very big ones at that—rather than gaol sentences when these cases have come before him.

Even if a person is tempted and succumbs to the temptation and steals gold of some value, surely he is entitled to some leniency if he is a first offender! After all, we see people in other parts of the State, and particularly in the metropolitan area, committing offences that are considered to be fairly serious; but because of the circumstances surrounding the cases, and the previous good character of the persons charged, they are often allowed to go free on a bond; they are given a chance to redeem themselves. But I have never known of a case where a person who has been charged with having illicit gold in his possession has been allowed to go free on a bond. Such people either prove their innocence; or, if they are found guilty, a a penalty is imposed upon them—and, as I have said, the penalties are harsh.

Not only are the courts' penalties harsh, but people convicted of gold stealing are never re-employed in the mining industry. They lose their holiday pay, because under the award, a man who is dismissed for misconduct immediately forfeits his holiday pay. They can lose their long-service leave, and they lose their employment, probably the only type of employment they have ever known. So, as members can see, it is a serious matter.

Getting back to the question of "gold matter," any matter at all that contains even the smallest amount of gold can be classed as gold matter. I remember the time when a man with whom I used to work on the mines was arrested. His house was searched and he was arrested and charged because the working clothes that he brought home on Friday night, ready to be washed and clean for work on Monday, contained borings.

He was a miner; and in the boring the sludge brings out cuttings, and they splash over the miners. Chips fly off the rock and quite often strike the miners. Sometimes they are hit in the eyes, and this can cause quite serious injury. On other occasions such chips lodge in the working clothes. Because this man had small chips in his clothes he was charged with having gold matter in his possession.

He worked in a very rich section of the mine, a place where the telluride was very prominent, and probably the total value of a ton of that ore would run into many hundreds of pounds. That man was charged, and it caused quite an uproar on the goldfields. I contacted the Minister for Police.

Mr. Ross Hutchinson: When was this?

Mr. MOIR: Only five or six years ago. I was a member of Parliament at the time. The Minister, after consultation with the Commissioner of Police, sent me a wire asking me to interview the detective who had made the arrest. I interviewed the detective, who said that he had a lot of other information about this fellow which he could not disclose in the court; nor could he disclose the source of his information. The police knew, however, he said, that they were just unlucky they had not caught this man for stealing gold. However, they were charging him with having gold matter in his possession, merely because he had a bundle of clothes wrapped in a towel.

It all sounded so silly to me that I immediately got in touch with the Minister and asked him to send a senior officer up from Perth. A senior officer was sent up and the charge was withdrawn. Had there not been intervention, and had the case gone into court, the magistrate would have had to convict the man because he was in possession of gold matter.

It might sound silly talking about this sort of thing down here, but it is a very live issue among the people who work on the mines. It will be readily appreciated that the men who are using these high-powered machines for boring holes are bound to have particles of gold matter on their person in view of the amount of sludge which comes out.

So when it comes to an interpretation of the law, the magistrate has no option but to find the person guilty of having gold matter in his possession, and he is accordingly penalised. This is sectional legislation, because it does not apply to any other section of the community. The particular part of section 36 which it is sought to amend says—

> The said gold if proved to be or have been in the possession of the defendant, whether in a building or elsewhere, and whether the possession thereof has been parted with by the defendant before being brought before the said court or not shall for the purposes of this section be deemed to be in the possession of the defendant.

In the last few days I have had cause to make inquiries into an action taken under that section. I was astonished to find how far it goes. A man came to me some two or three weeks ago in Boulder and complained of a search of his property having been made and of the manner in which the search was conducted. Two officers of the gold-stealing protection staff arrived at this man's house with a warrant. They searched his premises and the motor-car that was standing in front of the house; they also searched the back yard, but did not find anything about which they wished to complain. They then departed. After a while the man concerned saw them walking on the vacant block. Suddenly the officers called out to him and asked him to have a look at something they had found on the vacant block. The man in question said he was not interested, because the vacant block had nothing to do with him. The officers then produced two bags, brought them to his side gate, and asked the man to identify them, which he refused to do. He said he had no responsibility for what was on the vacant block.

I thought that was rather tough, so I interviewed the officers concerned. I found that matters were not exactly as they were described to me by the person in question, but that the officers had found gold outside the man's fence. I said to them, "Surely you cannot charge a man with being in possession of gold which is not on his property!" The officers replied, "Yes, Mr. Moir, we can." On looking again at this section of the Act it is quite apparent they could.

That is a dreadful state of affairs; because it means that if one person has a grudge against another it is not necessary for the former to place gold material or gold matter on the latter's property with a view to informing the police; he only has to drop it on the property adjacent, because the provision reads—

> The said gold matter if proved to be or have been in the possession of the defendant, whether in a building or elsewhere and whether the possession thereof has been parted with by the defendant.

A man would only have to say that the gold matter was there on the block alongside, and that the tracks of the man in question were found in the vicinity, and it would be obvious that he had parted with it. That is all that is necessary.

Ordinarily the position would be that the police would have to prove that that man had parted with the gold matter. But under this nefarious Act the police do not have to prove that at all, because the onus is on the defendant to prove his innocence, which to my mind is something unique in the annals of British justice.

Mr. Ross Hutchinson: This Bill does not do anything like that. It merely carries on what has already been the law, and what was the law under your administration.

Mr. MOIR: What it does is to make it clear that gold matter comes under the definition of "possession" under this Act.

Mr. Ross Hutchinson: And that was always understood until raised recently by defence counsel.

Mr. MOIR: This section was last amended in 1948; and I do not know how it has taken all these years to discover that these words were missing.

Mr. Ross Hutchinson: If you felt this was a nefarious Act you should have altered it in your time.

Mr. MOIR: The Minister seems to forget the small matter of the Legislative Council. One would think he had only recently entered Parliament.

Mr. Hawke: One would think he had only recently come into the world.

Mr. MOIR: The number of times I have mentioned the provisions of this Act will indicate how strongly I feel on this matter. One has only to work in the mines to appreciate the very serious situation in which one can find oneself quite innocently. I want it clearly understood, however, that I hold no brief whatever for the person who deliberately sets out to take gold from a mine with a view to disposing of it to his commercial advantage. I hold no brief for such person at all.

I think it is common knowledge, however, that many times in the past, innocent men have been made to suffer; men who have not been stealing gold at all; men who, for some reason or another, have been the subject of victimisation by someone who wanted to get even with them, and to injure them. And this was all made possible under the provisions of this section. Men have even gone to the extent of boasting of how they were able to get even with somebody under the provisions of this Act.

I know of occasions where children have found stone which had obviously come from the mines. They brought the stone home; but the parents, on seeing it, knew where it had come from and got rid of it as quickly as possible. But if those people had been unlucky enough to have had a search warrant issued against them they could not have escaped conviction. It is little wonder, therefore, that this sort of thing should raise pretty hard feelings at times when mention is made of it.

There is sufficient provision in the Act at the moment to deal with anybody who is guilty of dealing commercially in illicit gold. There is absolutely no necessity to include the provisions in the Bill. The answer given by the Minister for Police to the member for Kalgoorlie, clearly indicated that out of 20 people charged from 1958 to June, 1961, inclusive, not one was able to escape being found guilty; not one was able to satisfy the magistrate that he came by the gold lawfully. They were all convicted.

So it appears there is absolutely no reason, or no proper excuse, for having this provision in the Act. All it does is to make sure that some person who has gold matter—no matter how valueless—in his possession, can be convicted under its provisions, and have a penalty imposed of up to two years' imprisonment or a fine of £300; or both imprisonment and fine.

MR. FLETCHER (Fremantle) [3.12 p.m.]: I too would like briefly to express some concern on this matter as a result of a personal experience brought to my mind by the member for Boulder. I do see some possible danger in this provision, and I would like the Minister in charge of the Bill in this House to take cognisance of the few words I have to say on the matter. What I have to say could best be illustrated by recounting a personal experience, as was done by the member for Boulder.

Whilst I was employed on the Phoenix mine in Norseman as an underground fitter, it was necessary for me to lower the pump on occasions right into the sump. We were brought in on Sunday for the purpose of doing just that—with me was another tradesman who was a carpenter. On completion of the job it was necessary to take the tools to the surface. We placed these tools in the most convenient container, which happened to be a sugar-bag—in which we later found several pieces of ore—with a view to eventually taking the tools to the surface. The winder-driver was also brought in on shift, and the tools in the bag were taken with the carpenter and myself to the surface. We were having a discussion at the shaft with the underground manager; and, when we were leaving for the change-room the underground manager carried the bag of tools which also undoubtedly, contained goldbearing stone. As I pointed out, the bag was being used innocently for the purpose of carrying to the surface the tools both of the carpenter and myself.

The underground manager at one stage was in possession of gold bearing ore; and, subsequently, so were both the carpenter and myself in possession of such gold-bearing ore. When we came to take the tools out at the workshop we discovered this stone, and to the best of my knowledge that stone is still outside the workshop, because it was tipped out in that locality. But the bag did contain gold-bearing material.

I make this point: Unlike the case mentioned by the member for Boulder, this was not refractory ore; it was ore in which the gold could be seen. The Phoenix Mine did have very rich patches of gold ore. We were not responsible for the gold being in that bag, neither was the underground manager. Had there been a member of the Police Force present, not only the underground manager, but also the carpenter and I would have had to prove our innocence. The onus of proof would have lain first on the underground manager while he was in possession of the bag; and at a later stage of the incident the onus would have lain on the carpenter and me to prove our innocence. I would like the Minister to take cognisance of the point I have raised. I am endeavouring to lend weight to the point made by the member for Boulder.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [3.16 p.m.]: In reply to the second reading debate on the Bill to amend the Gold Buyers Act I would point out that it seeks to make positive what was believed to be the law during the period which has elapsed since the Act was passed, and also during the period when the member for Boulder was the Minister for Mines administering the Act.

The loophole was discovered only in recent times by defence counsel in a court case when a gold-stealing charge could not be proceeded with under the Gold Buyers Act because the words "or the said gold matter" were not included in the Act. That brings us to the point that everyone is aware of this loophole in the Act. Whilst in some instances offenders can be prosecuted successfully and magistrates are able to determine the guilt or otherwise of persons charged, the loophole affords a temptation to everyone.

I daresay that not one member opposite condones gold stealing, but by making evident this loophole to the public we will increase the temptation. The step which the Government took in introducing this Bill was a responsible one. It is certainly contrary to the action taken when the member for Boulder administered the Act. If nothing is done, in future the situation could become quite serious in the economic sense, and certainly in the moral sense. I trust that members will exercise a sense of responsibility in dealing with this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 36 amended—

Mr. EVANS: I listened to the reply of the Minister to the second reading debate, during which he ventured to suggest that not one member on this side of the House would condone gold stealing. I am sure he is correct in that assumption. It is not my purpose to condone, or to imply that I condone gold stealing.

I rise to protest strongly and vigorously against legislation in which the onus of proof is cast upon the accused person. Under section 36 of the Act the onus is cast on the accused person to prove his innocence. The Bill seeks to insert the words "or the said gold matter" into that section.

There is a golden thread which passes through British criminal law that the onus of proof must always be borne by the prosecution; and the *quantum* of proof is proof of guilt beyond all reasonable doubt before the evidence of the accused in rebuttal is heard. That procedure does not apply to *quasi* criminal law, such as the Gold Buyers Act. It is on this basis that I am protesting, because further restrictions are being placed on the civil rights of the people.

Recently I asked some questions of the Minister for Police, one of which was as follows:—

> With regard to the second paragraph of section 36 of the Gold Buyers Act, have there been any cases during the years—
>
> (a) 1958;
> (b) 1959;
> (c) 1960; and
> (d) to the 30th June, 1961
>
> whereby prosecutions have failed directly because of the absence of the words "or the said gold matter" subsequent to the word "gold" in the first line of this paragraph, in cases where the possession of "gold matter" has been parted with by the defendant before being brought before a court?

The reply of the Minister was as follows:—

> No charges have failed because of the absence of the words in paragraph 2 of section 36, as it has only recently been raised.
>
> On that occasion the gold material, subject of the charge, had contained free gold.

Where the term "having in possession" is mentioned, the High Court has ruled that the term "actual possession" is construed to be the meaning; in other words, the term "having in possession" is to be construed as "having actual possession." That was decided in the case of Williams and Douglas.

I fail to see the necessity for the addition of the words mentioned in the Bill. If a case should arise where gold matter is the subject in question, I do not see how the police could fail in any prosecution where there was no incidence of free gold.

In his speech, the Minister mentioned that where there was any difficulty over the presence of gold matter and any doubt as to that matter containing free gold, alternative action could be taken under the Police Act. There are two sections in the Police Act; namely, section 69 and section 76A. However, the Minister went on to say that because of the low penalties in the Police Act it was necessary to amend the Gold Buyers Act to bring into play a minimum penalty of £2 and a maximum penalty of £300, with two years' hard labour into the bargain.

The Minister did not mention the provisions under section 76A of the Police Act, which also makes special reference to "gold" and "pearl." I am of the opinion that if there is any doubt, the police could take action under that section. I am strongly opposed to this form of legislation; and rather than amend it, I would like to end it.

Mr. MOIR: Unfortunately, I was called out of the Chamber when the Minister commenced his reply. However, I did hear him taking me to task because during the short period I was Minister for Mines I did nothing about this Act. I would point out to the Minister—

Mr. Ross Hutchinson: Or your predecessors, of course.

Mr. MOIR: —that in the two short months I occupied that position I was a very busy man, because at that time we were carrying out negotiations and examinations and pleading with the Commonwealth Government to allow us to export iron ore. I was also carrying out negotiations in regard to the areas that will be connected with the alumina processing industry to be established in this State.

The present definition of "gold" is quite wide and it reads as follows:—

> "Gold" or "Unwrought Gold" means gold alloys, gold, gold bullion, gold amalgam, retorted gold, smelted gold, but does not include assay beads and cornets, or coined or wrought gold.

It is obvious that someone wants to include the words "or the said gold matter" in the second paragraph of section 36 which deals with possession. The definition of "gold" is quite wide enough to cover gold of any commercial value at all. As I mentioned in my second reading speech, the words "gold matter" are something entirely different. I will read to the Minister the definition of "gold matter." It is as follows:—

> "Gold Matter" means copperplates, slags, magnetings, battery or assay office sweepings or refuse, concentrates, precipitates, or any other matter containing gold as the result of the treatment of ores, and sand slimes and other residues the product of treatment of ores, and gold ore.

So it means practically anything at all. It even means rubbish and refuse. It has a wide coverage and means that any matter at all that contains an infinitesimal amount of gold that is found in the possession of a person comes within the definition; and that person must be convicted if he cannot satisfy the arresting officer or the magistrate before whom he appears that he obtained it lawfully.

It would be most difficult for people to do that. People living in goldmining areas sometimes live right on top of gold. Gold is discovered in the most unusual places. It has been known and reported before today that gold has been found in the streets of Kalgoorlie. Therefore, any persons going to Kalgoorlie or in residence at Kalgoorlie should be careful if they find gold or gold matter around anywhere; and they would be well advised to leave it where it is and not take it into their possession. I am totally opposed to this amendment to the Act.

Mr. ROSS HUTCHINSON: Most of the points raised were discussed pretty fully at the second reading stage; and two members have spoken again in the Committee stage. The position must be safeguarded in regard to the possibility of gold stealing. The references made by the member for Boulder in regard to the possibility of successful charges being laid under this section are fairly remote and—

Mr. Moir: They have been laid in the past and the people convicted.

Mr. ROSS HUTCHINSON: I know; but do not let it be forgotten that many charges have been substantiated in the proper way. This clause, which is in fact the Bill itself, was fully debated in the second reading stage and I think it behoves the Committee to carry it.

Mr. MOIR: Evidently the Minister has not the faintest idea about the matter. He says that the cases that have happened in the past have been well substantiated. That is my whole quarrel with this measure. The accuser and the prosecutor do not have to establish anything; the onus is on the accused person to establish his innocence. We do not find this position in any other legislation except the recent measure introduced in regard to the betting laws. In all legislation dealing with serious crimes the onus is not on the accused to prove his innocence; the onus is always on the accuser to prove beyond all reasonable doubt—

Mr. Ross Hutchinson: This Bill does not alter the situation in that regard at all.

The CHAIRMAN (Mr. Roberts): Order! I cannot allow the debate to continue along its present lines. The honourable member is not keeping to the clause before the Chair at the moment.

Mr. MOIR: With all respect, I submit that I am speaking to the clause, because it deals with the prosecution of people who are in possession of gold matter.

Mr. Hawke: Of course it does!

Mr. MOIR: And, of course, if prosecutions are made, penalties must necessarily follow.

Mr. Ross Hutchinson: Or innocence can be proved.

Mr. Evans: With great difficulty.

Mr. Ross Hutchinson: That is what our courts of law are for.

Mr. MOIR: The Minister is completely wrong. If he looks at the Bill further he will find that the onus is on the accused person to satisfy the magistrate; not prove his innocence. I have tried to satisfy quite a lot of people in this House but I have failed lamentably; and so would many accused people if they were trying to satisfy someone that something was not as it was thought to be. I do not desire to delay the proceedings but I could not allow the Minister to get away with the utterances he has made, because he has displayed sheer ignorance of the whole position.

Mr. EVANS: I cannot allow the Minister to get away with the statement that the accused person can prove his innocence. The accused person is not given the opportunity to prove his innocence. Is the Minister aware of the O'Connor case which occurred in Kalgoorlie in 1955? He was charged with having in the cuff and in the back pocket of his trousers certain dust which was claimed by the gold-stealing detection staff to contain gold matter. In that case there were a dozen wives of miners who were prepared to swear in court that each week-end they extracted from their husbands' working clothes, when washing them, at least a dozen times more gold matter than was found in O'Connor's clothes.

But was this person given a chance to prove his innocence? No! The Crown withdrew the case, and that person is therefore today still under the stigma that he was charged and not acquitted with having had unlawful possession of gold matter. He was not even given a chance to satisfy the magistrate that he came honestly by the gold matter.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RETURNED

1. Bank Holidays Act Amendment Bill.
   Bill returned from the Council without amendment.
2. Registration of Births, Deaths and Marriages Bill.
   Bill returned from the Council with an amendment.

DIVIDING FENCES BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [3.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill affects both metropolitan and country areas. At the present time there is an unsatisfactory method of fencing control in this State. In town and suburban allotments the old Ordinance No. 4 of 1834 still applies and is unsatisfactory; whilst the Cattle Trespass, Fencing and Impounding Act, most of which was repealed in the passing of the Local Government Act, 1960, contains some fencing provisions, some of which likewise are unsatisfactory.

Under the Local Government Act, councils are given authority to make by-laws to specify what is a sufficient fence for the whole of the district or in any specified

portion of the district, thus allowing for a different type of fence to be specified for townsite lands as compared with country lands.

The Bill repeals both the old Ordinance and the Cattle Trespass, Fencing, and Impounding Act, and enacts new provisions to take their place. The Bill is based on the New South Wales Act for its general form but incorporates the desirable portions of our own legislation, particularly in regard to fences built before the Act comes into force and also in regard to repair of fences.

The Bill works on the assumption that it is reasonable that owners of adjoining lands should share in equal proportion the cost of providing and repairing a sufficient dividing fence. It recognises, however, that there may be cases where a dividing fence is not actually necessary. The question of what is a sufficient fence is left for determination by the by-laws of the local authority or by the court, but the parties concerned are allowed to agree on a type of fence not inferior to that specified in the by-laws of the local authority. Only one local authority has made a by-law to prescribe what is a sufficient fence. But I think that the councils are awaiting some guidance from the Local Government Department on this matter; therefore provision has been made in the Bill for the Minister for Local Government to be able to require each council to make a by-law to specify what is a sufficient fence.

Under this Bill, when a person wishes to fence the boundary between his land and that of his neighbour, he is empowered to serve a notice on the neighbour setting out his desire that a fence should be erected, and stating the position of the fence and the kind of fence proposed.

If the adjoining owner accepts the proposal, then the fence may be built and the cost recovered; but if he does not agree as to the necessity of the fence or the type of fence suggested, he must notify the owner involved and the latter may then bring the matter before a magistrate in a court of petty sessions for a decision.

The magistrate may make such order as he thinks fit and is expressly required, when deciding as to the type of fence, to take into consideration the type of fence usual in the locality or the kind of fence prescribed in any by-law of the municipality of the district. If such an order is issued the person desiring the fence may then proceed to recover a share of the fencing costs.

In preparing the Bill, consideration was given to whether it would be preferable that instead of these disputes being taken to a court, they should be submitted to the council of the local authority for the district for determination; but on mature thought it was felt that this would not be a wise move.

Sitting suspended from 3.47 to 4.8 p.m.

The application to the court is a very simple application, and if the parties concerned do not employ solicitors they can be assured that the total cost of making an application and securing an order from the court regarding a fencing dispute would not be more than 10s. If they employ solicitors then naturally they must expect to pay additional costs.

It is felt that to submit these disputes to a council might place the members of that body in an embarrassing and invidious position where the disputants happen to be the neighbours and also the supporters of a member of the council, and therefore it is thought to be unfair to place council members in this awkward position. If the council has, by a by-law, stated what it considers to be a sufficient fence, that is all that could be reasonably expected of a council and the decision of disputes would be better determined by a judicial authority, rather than by elected representatives of the people concerned.

Provision has been made to deal with cases where the adjoining owner cannot be located. The court may proceed *ex parte* in such a case; and if the owner is subsequently located, the person erecting the fence may then claim for a share; but the owner concerned is entitled to bring the matter before the court for a review and the court could, if it wished, vary the position of the fence or make some other order according to the merits of the case, including the relieving of the owner from a portion, but not all, of his share of the cost of the fence, if that were just.

In order to protect any purchaser of land in respect of which an order has been obtained against an owner who cannot be located, provision has been made that the person who obtains the order must notify the clerk of the council of the making of the order. The clerk is then required to make a record of the order in the register of orders which the council is required to keep under section 694 of the Local Government Act, as if the order were one obtained by the council itself. If the fencing owner fails to record the order with the clerk, he loses his right of recovery; whilst the fact that the order is recorded in the books of the council gives any prospective purchaser the opportunity of ascertaining that the order exists.

Provision has been made to settle disputes as to the actual boundary and also to determine the exact position of the fence where, because of topographical features, it is impracticable to construct the fence on the actual boundary line; for example, where a cliff face happens to cut across the boundary.

Adequate provision has been made for fences erected before the new Act comes into operation, or which might subsequently be erected without taking advantage of the provisions of the Act, or being unable to take advantage of the Act; for instance, where the adjoining land was vacant

Crown land when the fence was erected, but was subsequently alienated. In such a case the owner who constructed a fence is empowered to claim one-half of the cost or value of the fence at a later date from an owner who has completed substantial buildings on the adjoining land or has permitted the occupation of buildings on the land by another person. The person called upon to meet part of the cost or value of the fence may dispute the claim and it would then go before a magistrate who would examine the facts and make such order as he considered proper.

It will be noted that in this provision it is not necessarily the cost of the fence which is involved, but maybe the value. This allows for changing values and also for depreciation of the fence because of the lapse of time.

In regard to the repair of fences, similar provisions have been made. In certain emergency cases where the fence has been destroyed by flood, fire or similar incidents, either owner may immediately repair the fence and recover the cost; and likewise if it is destroyed by a falling tree the fence may immediately be repaired and the whole cost recovered from the person owning the land from which the tree fell.

In the normal cases where repairs become necessary because of gradual deterioration, one neighbour may serve the other with a notice setting out methods by which the fence may be repaired, and allowing the option for joint efforts by either party or work by a contractor. If the adjoining owner disputes the necessity he must so advise, and again the matter would be brought before a magistrate in a court of petty sessions for determination.

It is, of course, to be hoped that recourse to the court will be infrequent, and that the good sense of the neighbours will ensure that fences are constructed and repaired without the need for any litigation; but this Act provides the methods to be followed where one or other of the neighbours does not show a commonsense approach.

Provision has also been made that where a person with land on one side of a road has not fenced his boundary, but makes use of the boundary fence of the land on the other side of the road, he is entitled to pay to the owner of the fence one-half of the cost of maintaining that fence. This supports the provision in section 335 of the Local Government Act under which such an owner is required to pay interest on one-half of the value of the fence, and also one-half of the cost of repairs.

Provision has been made also for the adjustment of the cost of fencing between a landlord and tenant in the absence of any agreement between them as to fencing or repair costs; and I think this will be found to be a satisfactory provision, being based on the length of time that the lease has to run.

Another provision is made to deal with cases where an option of purchase is given on land and subsequently, before the option is exercised, a fencing order is issued or a fence erected at the cost of the owner who is prepared to sell. In such a case a share of the cost of the fence is to be added to the purchase price mentioned in the option as the new owner will acquire an improved asset because of the construction of the fence. The Bill provides for the right of entry to construct or repair a fence; and it makes express provision for the service of notices. The Governor is given power to make regulations which may be found necessary under the Act.

The final provision to which attention should be drawn is that the measure will not bind the Crown. Many people would like to see the Crown bound in respect of boundary fences abutting on Crown lands and reserves, but this liability could not reasonably be accepted; and so to make the position quite clear, the Bill has set it out. I commend the Bill to the earnest consideration of members of this House.

Debate adjourned, on motion by Mr. Toms.

STATE TRANSPORT CO-ORDINATION ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.18 p.m.]: I move—

That the Bill be now read a second time.

Although this Bill is rather lengthy, most of the amendments are consequential on the main objective provided for. In effect this is to change the Transport Board, provided for in the original legislation, into a transport department with a commissioner at its head and with an advisory board taking the place of the former part-time members of the board.

The orginal legislation was framed as early as 1933 when motor transport was just developing and causing particular problems by picking the eyes out of the passenger and goods traffic offering and leaving the less profitable traffic to be carried by the railways in particular. Members will recall that at that time there were many small omnibus operators providing passenger services here and there throughout the metropolitan area, but without any proper pattern for serving all suburbs adequately. Regular passenger and goods services were also being developed in competition with the railways on certain country roads, but again without any proper regard for serving all districts adequately, or carrying the less profitable freight.

That is a very brief and reasonable summing up of the then position gleaned partly from my reading of the original debates and from my recollection of public

discussions which took place at that time. That situation can be compared with the present, when a Government instrumentality, in the form of the Metropolitan Transport Trust, has taken over, or is about to take over, practically all omnibus services in the metropolitan area; and when the Railways Department, which has been greatly strengthened and reorganised under the present Minister for Railways, is about to embark on the standardisation of the eastern goldfields railway designed to carry ore and other freight at what must be among the lowest transport rates in Australia, if not in the world, and also provide a network of comfortable, reliable, cheap, and profitable passenger and some goods rail services to many districts of the State.

Bearing these points in mind and also the plan for the rapid industrialisation of Western Australia, it would be a miracle if the legislation framed in 1933 suited this new situation, and careful consideration has therefore been given by the Government to modernisation of the legislation. I have had many discussions with Ministers for Transport from the other States; and as Queensland seems to have problems which are most similar to those in Western Australia, the planning of this legislation has probably been influenced more by the Queensland statutes than those of any other State; although the New South Wales legislation follows somewhat the same pattern.

However, we have tried to avoid making more changes than have been absolutely necessary, and when this Bill is carefully examined I think it will be realised that no basic change of policy is contemplated, and that the Government of the day will have full power to carry into effect its transport policy as hitherto laid down. The principal difference will be that the new transport department, under its commissioner, will be available for consultation with the Minister on how best to provide adequate transport services to serve the people of the whole of the vast State of Western Australia.

Much of the development at present taking place in Western Australia is in areas not directly served by either sea or rail transport; and, in my view, there is an urgent need to set up machinery to examine carefully how best to serve such areas. This will require consultations between the heads of the existing rail, sea, and air services, and bodies such as the Main Roads Department with its traffic engineering section, and the traffic police. I can visualise the transport department doing much the same job in this field as the Town Planning Commissioner does in co-ordinating advice received from many departments in the town planning field.

It has been necessary to use an increasing amount of improvisation to make the present administrative system function satisfactorily; and, in the traffic control field in particular, the previous Minister for Transport—the present member for East Perth—arranged for a special transport executive officer to be appointed to the Minister's personal staff in order to carry out work which is done by transport departments in other States.

The shortcomings of our Western Australian arrangements are becoming increasingly apparent, and I am alarmed by the muddle which would inevitably result if my present transport executive officer suddenly became unavailable for any lengthy period. With such improvised arrangements there can be no proper filing system, nor any proper continuity; and in such an important field as traffic control, when so many people's lives can easily be affected, I think it would be very wrong to allow the present position to continue longer than is absolutely necessary. It is proposed that the transport department take over most of the duties at present carried out by the transport executive officer and that he move into the transport department which would replace the present Transport Board organisation.

Theoretically, under the State Transport Co-ordination Act as it is at present worded, the Transport Board employs its staff which is directly responsible to the board as such; and, in other than purely routine matters, action should be decided upon only at meetings of the board or by direction of the Minister through the board, although in practice a much more flexible system is followed, and senior officers of the Transport Board decide on action in anticipation of later approval by the board if such becomes necessary.

Amendments provided for in this Bill will increase the size and alter the title of the board to an advisory board which will deal only with policy matters. The responsibility for administration and carrying into effect the policy as decided by the advisory board will lie with the commissioner and his staff, subject of course to the direction of the Minister for Transport as obtains at present under the existing legislation. However, as a Government department it will be possible for the Minister to make much greater use of the technical staff—as I have already mentioned—in some aspects of traffic control; particularly in liaison with other Government departments and with both metropolitan and country local authorities.

It will be noted that the commissioner will be the chairman of the advisory board; and it is proposed that the greater size will permit the appointment of one country member who is conversant with the farming areas, and another who will have a particular knowledge of the more distant pastoral and mining districts, and the other two members will be selected because of their knowledge of problems in the metropolitan area.

Staff employed by the Transport Board have not been subject to the Public Service Commissioner and difficulties have inevitably developed because of this, and provision is made in the legislation for staff in the proposed transport department to be treated similarly to civil servants employed elsewhere in the Government service. I have discussed this matter in some detail with the Public Service Commissioner, and, because of certain anomalies that have developed, the Public Service Commissioner considers that special provision will be necessary to avoid certain officers being reduced in classification and pay; but he assures me that this can be taken care of administratively in his department.

Another provision in the Bill is designed to correct a technical difficulty which arises from the change-over from private bus services to publicly-owned transport in the metropolitan area in particular. When private operators paid 6 per cent. of their takings as fees to the Transport Board, there were substantial surpluses to distribute to the various road authorities, but those fees have been gradually whittled down until the Transport Board at present depends almost entirely on fees obtained for permits from commercial goods vehicles to cover its administration costs, and there is no justification for using the Transport Board as a taxing machine to raise money to distribute to road authorities.

The only other important provision in the Bill is a proposed amendment to section 34 and to the first schedule. This results from what has been known as the Bilney case, when a primary producer named Bilney was prosecuted by the Transport Board for transporting five tons of superphosphate from Albany to his farm near Kojonup after having carted only one bag of oats on the forward journey under what has become known as the primary producers' concession in the first schedule.

It had been assumed by primary producers that because no quantity of produce was mentioned as a qualifying load on the forward journey, any marketable quantity, no matter how small, was sufficient to enable a primary producer to back-load his own requirements; and, of course, there have been many queries as to how much produce must be carted on the forward journey to qualify for any particular weight or quantity of back-loading.

It has not been possible to deal with this matter satisfactorily administratively, and the amendments contained in this Bill restore the position to what primary producers thought it was prior to the Bilney case decision.

When the legislation was originally framed back in the depression period of the '30's, there was little attraction in carting other than high freight-rate goods, such as fuel or machinery or domestic requirements as back-loading, but in the Bilney case the back-loading was "M"-class freight in the form of superphosphate; and it seems farcical to provide in legislation of this nature that in such instances the Railways Department would be forced to lose additional "M"-class freight on the forward journey in order that the primary producer could qualify for a full load of other "M"-class freight in the form of superphosphate as back-loading. Other States mostly place no restriction on the cartage of superphosphate or manures by either primary producers or carriers, but with the very light loading on so many of our country lines it is essential that as much freight be retained as possible for the Railways Department so that such lines can be kept functioning.

It is also necessary to avoid being so negative as to unreasonably restrict producers of export-earning primary produce, in respect of carting their own goods in their own vehicles. Fortunately, most primary producers are grateful to the Railways Department for the part that the railways have played in opening up our farming districts; and the present Commissioner of Railways and his staff, particularly the railways public relation officers, have developed a great amount of goodwill towards the Railways Department, not only from primary producers but from country people generally, by emphasising this point and also by dealing promptly with the many petty complaints which can do so much to damage any organisation unless speedily dealt with.

In conclusion, I would like to emphasise once again that although there are many words in this Bill, no major change of policy is proposed by the change to a transport department, and that a similar administrative system in Queensland and New South Wales works much more smoothly than the machinery provided under the present legislation in Western Australia. Actually those States have a much more difficult problem because of border-hopping by carriers, which is hardly a problem at all in Western Australia, and I feel that I am justified in recommending this Bill to the House.

Debate adjourned, on motion by Mr. Graham.

TRAFFIC ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.35 p.m.]: I move—

That the Bill be now read a second time.

This Bill is necessary to carry into effect promises that I have made to taxi owners and drivers. When speaking recently in this House on a motion dealing with the

regulations making possible the progressive rank system for taxis in portions of Hay Street and Murray Street, I foreshadowed legislation along these lines and also had something to say about some of the problems arising from our very rapid recent expansion of industrial and other activity in Western Australia, particularly the metropolitan area, and the difficulties that are likely to arise in the development of the city unless action is taken to control acute traffic congestion as it arises.

Improvements to the Causeway, the building of the Narrows Bridge and the freeway, and the development of parking meters in the city and large car parks adjacent to the city encourage the greater use of private transport by businessmen and shoppers, and this is reflected in the increase of motor vehicles entering the city area as evidenced by the traffic counts taken each six months by the Main Roads Department.

Before the completion of the Narrows Bridge, an estimate of traffic volumes indicated that less than 32 per cent. of people entering the city area at peak periods were using private transport and the other 60-odd per cent. were using public transport, whereas a recent traffic count indicates that now more than 50 per cent are using private transport and rather less than 50 per cent. public transport.

In a city such as Los Angeles, for instance, I understand that approximately 70 per cent. of people at peak periods use private transport and only 30 per cent. public transport, and that this has resulted in such congestion in the heart of the city that business has been dispersed to the suburbs with all the complications that result from what has been described there as being many suburbs in search of a city.

Some traffic authorities are afraid that with increasing traffic congestion in a city such as Sydney, similar tendencies may develop here; and even in Perth there are indications that large stores are finding it profitable to provide for their future expansion in certain developing suburban areas rather than in the central city block.

Those who hold the opinion that traffic congestion can be ignored in streets which have been referred to as mainly shopping streets, such as Hay Street, should bear in mind such indications as I have already mentioned; and I think it is most undesirable, both from the point of view of established businesses and ratepayers in the city, as well as proper planning of the whole metropolitan area, that use of private transport in the central city area should be encouraged to the extent that it becomes a serious embarrassment.

It so happens that traffic congestion in streets such as Hay Street and Murray Street has been aggravated by the fact that too many taxi licenses were issued by the previous Government to the point where a real scramble had developed in those two streets in the competition for business by taxi drivers; and because it is impracticable, overnight, to arbitrarily reduce the number of taxis licensed, my technical advisers considered that the better course was to control the congestion by way of progressive ranks, which have been used in other cities—in the case of Australia, particularly Sydney, in certain streets.

Mr. Graham: Why don't you have a few ideas yourself?

Mr. PERKINS: In making any change in traffic regulations and control, there are inevitably many teething troubles and most of these have now been ironed out—

Mr. Graham: That is what you think!

Mr. PERKINS: —but I am very anxious to implement a request from the taxi owners and drivers that taxis dropping a fare in the prohibited cruising area should be permitted to pick up passengers waiting for a taxi on a vacant taxi stand within the prohibited cruising area.

This is most desirable, both from a passenger's and a taxi driver's point of view, but it is necessary to have power to define a taxi in order to control pirate drivers with no fare in their cab moving into the prohibited cruising area in the hope of being able to pick up a fare on a vacant stand without having moved through the progressive rank system.

Most taxi drivers play the game quite well, but there is always the odd selfish individual whom it is necessary to control. It was thought that the power to define a taxi was contained in the regulation-making powers under the Traffic Act, but a recent court decision indicated that this was not so and it is therefore necessary to make suitable provision in this Bill.

It will also be noticed that the minimum figure of population per taxi in the metropolitan area is being raised from the 600 mentioned in the statute to one of 700. At present there is one taxi to about 584 of the metropolitan population; but while I have indicated that this Government will not issue further licenses when the metropolitan population increases to the one to 600 ratio, the taxi owners and drivers insist that they desire legislative protection against such irresponsible action as was taken by the previous Minister for Transport when he issued so many additional taxi plates in the period from 1956 to 1958. I dealt with this matter in some detail when speaking in the House a few days ago, as I have already mentioned.

Representatives of the taxi owners and drivers have also asked for a special taxi board to control the industry, but I have deferred a firm decision on this particular

request until the new Transport Department with its advisory board has had a chance to get established and to give the Minister advice on problems such as this.

Mr. Graham: Who wrote this speech for you?

Mr. PERKINS: I can see the advantages, and I am anxious that the taxi owners and drivers should be given responsibility and the opportunity to play a part in the control of their industry, but I doubt whether an additional board is necessary, and it may be possible to establish a special committee to work through the new Transport Department. However, I have an open mind on this question and I will refer it for report as soon as the new advisory board is established.

Mr. Graham: The person living in the Murchison area would be a great help to the taxis in Perth!

Mr. PERKINS: An alternative to the progressive rank system in Hay Street and Murray Street would be to reduce the number of parking meters and proportionately increase the kerbside space available to taxis for the setting down and picking up of passengers, but I am sure the Perth City Council would only very reluctantly agree to such a course, and the system of progressive taxi ranks seems the best compromise in the circumstance.

My technical traffic advisers, both in the Main Roads Department and the Police Traffic Branch, are very strongly opposed to any reversion to anything approaching the previous situation in Hay Street and Murray Street,—

Mr. Hawke: How are those officers going on the question of giving way to the right?

Mr. PERKINS: —when up to 25 and 30 per cent. and more of the vehicles using those streets comprised taxis, cruising in the search for business and further seriously congesting traffic when stopping at almost any point in the street to set down a passenger or in anticipation of a fare.

Mr. Hawke: Tell us what the technical officers think on that point.

Mr. PERKINS: Taxis must be considered a very important part of our public transport system and I think should play quite a different role from that envisaged by the member for Mt. Lawley.

Mr. Graham: A great second reading speech! When are you going to start speaking?

Mr. PERKINS: Taxis provide a personal service, and once they accept multiple hirings they take on the characteristics of a small bus; and many members will remember the old Alpine taxis which used to ply between Perth and Fremantle and which eventually became absorbed in the bus system of the city.

Recently in this House I referred to some of the problems affecting buses, in particular, and I reiterate once again that there is an urgent need for bus stations around the city perimeter where passengers can embark and disembark in comfort and then proceed by suitable pedestrian ways—and probably including both level and ascending escalators—to get into the very heart of the city. This would avoid congestion caused by buses picking up and setting down at the kerbside right in the central city block, particularly the southern side of St. George's Terrace. The traffic engineers of the Main Roads Department are at present closely examining experience in other cities with a view to recommending suitable arrangements for our rapidly developing City of Perth.

The Chairman of the Metropolitan Transport Trust (Mr. Adams) on his recent long-service leave trip overseas, also sought advice and examined the experience both in Great Britain and on the Continent, and I hope that all this experience and data can be taken advantage of in whatever is planned here. The result of just letting a difficult situation drift will probably end in the kind of congestion, with resultant problems, which one sees in some other cities at this present moment.

This Bill deals with only one tiny facet of the problem, but I have thought it necessary to make these remarks in order to keep everything in its proper perspective.

Mr. Oldfield: Who wrote your speech?

Mr. PERKINS: No-one except myself.

Mr. Graham: Why don't you stand up and speak for yourself?

Mr. PERKINS: Another amendment in the Bill concerns the distribution of metropolitan traffic fees. There is, according to the Auditor-General, a flaw in the present statute which was agreed upon only two years ago.

Mr. Oldfield: You know that the Standing Orders do not allow you to read your speeches.

Mr. PERKINS: The 1959 amendment provided that these fees, after deducting the sum of £120,000 for costs of collection and administration, should be distributed on the basis of one-half to metropolitan local authorities and one-half to the Commissioner of Main Roads. This distribution was the intention of the 1959 amendment and such distribution has been effected on that basis.

However, having regard to section 34 (2) of the Main Roads Act, the Auditor-General points out that after deducting the said £120,000 for administration, etc., a sum equivalent to 22½ per cent. of the balance should be paid to the Main Roads Contribution Trust Account before distributing the balance between local authorities and the main roads. Deducting the 22½ per cent. from the resultant one-half,

has, according to the Auditor-General, resulted in an over-payment to metropolitan local authorities.

The matter has been referred to the Crown Law Department; and in order to regularise the Government's intentions and what has already been carried out in practice, it will be necessary to amend section 14 of the Traffic Act and section 34 of the Main Roads Act.

The Bill also provides for an amendment to require persons convicted of failure to transfer a vehicle, to pay the prescribed transfer fees and effect the transfer. Although the section provides a penalty for the offence, there is no provision at present to require the convicted person to pay the prescribed transfer fee.

It is also proposed to streamline the traffic regulations. In the existing statute, although the Commissioner of Main Roads is the road-marking and sign-erecting authority, there is no specific provision for prohibiting or restricting the parking or standing of vehicles merely by the erection of signs or by marking the roads.

The traffic regulations have become so voluminous as to be legendary. One way to reduce the traffic regulations to more reasonable proportions is to eliminate all the details in respect of parking or standing prohibitions. Every street or portion of a street where a prohibition applies is included in a separate regulation, and the amendment seeks to legalise the various parking and standing prohibitions, merely by the erection of a sign.

It is not possible for any motorist to memorise all the restrictions, and signs are erected for his guidance. There is no reason why they should not serve the dual purpose and obviate unnecessary verbiage in the regulations.

Debate adjourned, on motion by Mr. Graham.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.52 p.m.]: I move—

> That the Bill be now read a second time.

As explained in the Traffic Act Amendment Bill, this proposal to amend the Main Roads Act is to overcome a flaw in both pieces of legislation and meet the requirements of the Auditor-General. After meeting administration costs of £120,000, all metropolitan traffic fees are distributed between the Main Roads Department and metropolitan local authoties on a 50-50 basis. At least, that was the Government's intention when the Traffic Act was amended in 1959; and traffic fees have in actual fact been distributed on that basis.

The Auditor-General has rightly pointed out that section 34 of the Main Roads Act requires that a sum equivalent to 22½ per cent. of administration should be paid into the Main Roads Contribution Trust Account, and the balance remaining after such appropriation should be the amount to be distributed between local authorities and the Main Roads Department. However, this old arrangement was not intended to continue after 1959, and the amending Bill merely tidies up the omissions.

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

NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

MR. NORTON (Gascoyne) [4.55 p.m.]: This Bill proposes to amend the Natives (Citizenship Rights) Act; and I am in favour of any measure which will do something to improve the lot of our natives. When the Minister introduced the Bill, he seemed to deal mostly in general terms with the development and progress of the education and well-being of the natives rather than describe what was meant by the amendments in the Bill.

Mr. Graham: He didn't know; nobody wrote his speech for him.

Mr. NORTON: This Bill contains several consequential amendments and one or two others which alter entirely certain parts of the principal Act. I am wondering why the long title of the Act is altered by this Bill. It is rather intriguing when one looks at it to find that the long title is to be altered. If the Bill is passed the long title of the Act will read as follows:—

> An Act to provide for the acquisition of additional rights of citizenship by aborigine natives.

One wonders whether the Minister is admitting that the natives have citizenship.

Mr. Perkins: No-one has ever denied that.

Mr. NORTON: If they have citizenship, they must have the full rights. If a person is a citizen, that person has all the rights which pertain to a citizen of the country in which he is born.

Mr. Perkins: A child under 21 years of age cannot vote or obtain liquor.

Mr. NORTON: That is true; but the situation is governed by our laws.

Mr. Graham: They can obtain liquor and drink it.

Mr. NORTON: I cannot follow the thinking behind the move to give additional citizenship to natives, unless it has

been pointed out to the Minister that our Act, in the past, has not met legal requirements.

Mr. Perkins: Kim Beazley was one who pushed this idea the strongest.

Mr. NORTON: The position in which coloured people now find themselves is becoming very difficult; and the amendments proposed in this Bill are going to make them far more difficult. The position is this: If a person now has a pigment in his skin he can be challenged in any hotel as to whether he is a native or not. Only just recently, I saw a coloured man challenged who was a quadroon and who had worked in the district for many years. He was born in Esperance. When the relieving sergeant came to the district, this man was challenged as to whether he was a native or not.

How was that man to prove that he was not a native within the meaning of the Act? The Native Welfare Department had no record of him; and he was unable to prove to the police that he was not a native within the meaning of the Act.

If these amendments go through we will have two sections of children in one family. How are those responsible—the police, licensees of hotels, and so on—going to distinguish between them? How are those children who will have automatic citizenship from birth going to prove they do not require it within the meaning of the Act?

Mr. Perkins: Just as anyone proves he is 21 years of age.

Mr. NORTON: How will they prove it if challenged?

Mr. Perkins: How do you prove a boy going into an hotel is 21 or not?

Mr. NORTON: He can prove it by a birth certificate.

Mr. Perkins: These natives will have one.

Mr. NORTON: They will have to carry birth certificates with them?

Mr. Perkins: There is no need for that. They presume age.

Mr. NORTON: What about two brothers who are two years apart? How will they tell the difference? How is anyone going to distinguish a quadroon who was born before the date set down?

Mr. Perkins: How do you tell now between two boys from the same family, one being under 21 and the other just over?

Mr. NORTON: I am not on that argument now. I am talking about the quadroon who has a considerable amount of colour and is 40 years of age. How is he going to distinguish himself and prove that he was a citizen by birth? His birth certificate will not prove it.

Mr. Perkins: He will be a lot better off than he is now.

Mr. NORTON: Why will he be better off? The Minister has not made his lot any different. He has all the rights of citizenship of a white person and yet he cannot prove it. He has no certificate to prove it; nor has anyone else who has a dark pigment in his skin and the appearance of a native. If challenged, how is he going to prove he is not a native? This will cause dissension and bad feeling in families, and I do not see how the Minister is going to get around it. These children who are obtaining automatic citizenship are going to have to carry a certificate to prove their date of birth. I do not know why any child in a family cannot, as suggested by the member for Guildford-Midland in an amendment, have citizenship the same as his brothers and sisters. The situation is getting quite ridiculous, and it is obvious to me that it will not be very long before full citizenship will have to be granted to every member of the aboriginal race in order to overcome difficulties which would otherwise arise.

Mr. Perkins: You think the main problem is in regard to drinking?

Mr. NORTON: I did not say that at all.

Mr. Perkins: You quoted it.

Mr. NORTON: I quoted it because it is one of the instances where policemen often challenge the coloured people if they are on licensed premises. Such people might be on the premises for another reason entirely. If a native were to go on a racecourse—I am using the word "native" here to mean a coloured person—and stand near the bar, a policeman could challenge him although he might have no intention of having a drink.

The law is being made very difficult. I think the amendment suggested by the member for Guildford-Midland would solve this very considerably if the Minister is adamant in his contention that full citizenship cannot be given.

I was very pleased to discover today that the Minister has given notice of some amendments and these have exactly the same purpose as those of which I gave notice. I am referring particularly to the definition of a responsible parent. This definition has been repealed in one section of the Act and included in the definition section.

The difficulty in this matter is that the legislation prescribes who shall be the responsible parent; but there are many cases which are not covered by the definition. There are the children of a quadroon; the children of a white father and coloured mother; and there is the child who is living with a mother whose husband has deserted her, but the mother has not the custody of the child by an order of the court and cannot include the child on her citizenship certificate.

The idea behind my amendments was to allow the half-caste child of a white father to be included on the mother's certificate

because the responsible parent under this definition would have no certificate. Nor would the quadroon. It appears to me that the Minister had the same idea when he drafted his amendments.

Mr. Perkins: I will have yours carefully checked to see that I have not missed anything.

Mr. NORTON: That is the reason I gave notice of my intention to move the amendments which appear on the notice paper. In this Bill the definition of responsible parent was included for another purpose as well.

There is another point which I think the Minister might clear up for me, and that is in regard to the definition of a district. I am wondering whether "shire councils" should be included as well as municipalities.

Mr. Perkins: I think it covers both.

Mr. NORTON: In the definition, municipality only is mentioned.

Mr. Perkins: It is meant to cover both; but if there is a flaw there I will have it checked.

Mr. NORTON: If it is, as stated in the Bill, only referring to municipalities, there would be only five small districts within the State affected.

Mr. Perkins: We do not mean that.

Mr. NORTON: I am trying to point out to the Minister that it is not clear to me and I would like the matter clarified.

Mr. Perkins: I will obtain the *Hansard* report of your speech and have it checked before we continue in Committee.

Mr. NORTON: My main objection here to this legislation is the splitting of the family; and, as far as I can see, it will give citizenship from birth only to some children of certain families. I have in mind a number of families in Carnarvon. Some of those children attend the State school and others the convent. All the families are young and large, and some are living in State houses in the town. Certain families will be split into two sections, one of which will have automatic citizenship and the other will have to apply for it. Therefore one section will have to carry a certificate to prove they are citizens and others will have to try to prove that they are citizens.

MR. W. A. MANNING (Narrogin) [5.8 p.m.]: I wish to say a word or two in support of this Bill.

Mr. Graham: You would!

Mr. Oldfield: This will be another somersault!

Mr. W. A. MANNING: If the member for Mt. Lawley will only listen, he will realise that it will not be a somersault.

Mr. Oldfield: I have heard your previous speeches.

Mr. W. A. MANNING: I feel that this Bill is a step in the right direction, consistent with what I have said on previous occasions, and I therefore believe that a word or two should be said now.

I notice that the member for Guildford-Midland—the previous Minister for Native Welfare—supported the Bill to an extent but complained that it does not go far enough because he believes that all natives should have citizenship rights. He stated that he introduced a Bill to achieve that object; but we must all agree that no Bill has been introduced which would give all natives citizenship rights.

Even under the Bill introduced by the honourable member to whom I have referred there were to be "protected" natives, thus creating yet another class. Those people were to be excluded from the provisions of the Bill which he introduced. That also applies in the Northern Territory where most of the natives—probably 95 per cent.—are wards and do not come under the Act in that territory. Natives under the Act in South Australia can be "declared," and they lose what might be called citizenship. So the indications are that there is extreme difficulty in giving the native citizenship.

I agree that all natives born in this country should be citizens of it; but we cannot get away from the fact that this has not been so in the past. The fact that it has not been so provides us with the problem we have today; namely, when should it be done? I feel that the rapid granting of citizenship holus-bolus to every native would be foolishness indeed, and not in the interests of the natives concerned.

The Northern Territory has often been mentioned. *The West Australian* of the 9th January, 1959, contained a comment from Alice Springs which I think fits the case. It said—

> Premature citizenship granted to Northern Territory aborigines has brought a growing social problem of neglected children, deserted wives, malnutrition and social vice.

It goes on—

> "We are convinced that citizenship without preparation is tantamount to the death sentence for aborigines.
>
> "Quickly, through moral decadence and the effects of school and malnutrition, they would disappear in the North as surely as they have in southern Australia."
>
> The statement claims that well-meaning people campaigning for immediate citizenship for aborigines would, if successful, do irreparable damage to those they sought to serve.
>
> "Citizenship cannot, with any hope of success, be given by enactment," the statement says. "It must be granted only after a period of proper

preparation in academic, vocational, social and religious fields as a groundwork, and when the candidate has a sense of the responsibilities and privileges he will assume.

Sir Ross McLarty: Surely that is a practical outlook.

Mr. W. A. MANNING: That is a very practical outlook; and I believe that a gradual process of preparing natives for citizenship is most desirable. This Bill provides at least a starting point for the granting of citizenship to natives. It is an incentive, so that the next generation can look forward with certainty to citizenship.

I would say that the privileges that are granted to natives today prove the need for something more to be done from the points of view of housing and of improving the reserves. The native has a problem which has to be met in a different way from that which would apply to anybody else. From the point of view of the native, we have to look at this matter from a long-term viewpoint.

I would point out to members that citizenship is available to natives under the Natives (Citizenship Rights) Act. I believe that the greatest injustice done to natives today is that done by misguided and ill-informed people—they may be well-intentioned people—who advise natives not to apply for citizenship rights. I think it is a fallacy and a downright shame that white people in this country should advise natives not to take citizenship rights, and criticise the system in such terms as, "wearing a dog collar," and so on. It is a tremendous injustice and does irreparable harm. We have an Act under which natives can gain citizenship, and everything we do should be done to encourage natives in that direction.

To make sure that I was right on this point, last week-end I visited two native families who, over the last year or so, have moved into State Housing Commission homes. They were the first two families to be transferred from the special transitional homes at Narrogin. They were taken from the reserve and put into transitional homes. There they were trained and helped, and they responded magnificently. One of those families was transferred as long ago as April, 1960, to a State Housing Commission home, and I called on this particular native and his wife. Another family was transferred from a transitional home to a State Housing Commission home only a month or two ago.

Those families are living among white people, and they are accepted by the white community. I spoke to them concerning their feelings on the matter, and they told me they were very happy. Those people have taken out citizenship rights under the Act—some of them did that two years ago; some, five years ago. They are perfectly happy in their surroundings. They have been given that opportunity in a few short years—in fact it is only three years since the scheme was started. They have gained their citizenship under the present Act, and there is no reason why others should not do the same.

The strange thing about all the talk concerning granting of citizenship is that we are told that the natives should be given a vote. I checked this point with the natives I saw. Not one of them had thought to get his name on the electoral roll. This shows that natives are not concerned with getting their names on the electoral roll; they are concerned with being able to live decently, similarly to other people.

Mr. Brand: They are interested in improved conditions.

Mr. W. A. MANNING: That is right; and that is where some members on the opposite side of the House are confusing the matter. The member for Guildford-Midland spoke of the desirability of citizenship in order that the fathers, mothers, sisters, and brothers of natives would not be forced to live in their present shanties.

There is no association between the granting of citizenship rights holus-bolus and natives living in shanties, as I have endeavoured to prove. Under the present system a native can be taken out of a reserve and placed into a housing area. He can be accepted by his neighbours and by the community without any difficulty at all. In my opinion, that is the best system. It is a gradual process, and it is sure. I have referred to two families, and I could mention three others who are in similar circumstances. One has been transferred to another town, and the others are waiting for houses. I feel we are on very sound ground in seeing that something is done to help the natives at the present time. The Government has certainly done that.

I have already referred to what was said by the member for Guildford-Midland with regard to natives living in shanties. I have obtained figures from reports which have been presented over the last few years. The member for Murray asked a certain question the other day, and I hope I am not stealing his thunder. I had already worked out figures showing the amount spent each year on native welfare.

In 1956-57 the figure was £473,965. For the current year it has increased to £1,029,144. Included in that figure is the increased amount available for homes on reserves. In 1956-57 improvements to reserves accounted for only £7,019. The latest figure I have is for 1959-60, when the figure had increased to £34,624. The total figure was £654,509. The present Government has continued to spend money on native reserves and on improving them in order that natives can live under decent conditions.

Mr. Perkins: There are loan funds on top of that—the first time loan funds have been set aside for the Native Welfare Department.

Mr. W. A. MANNING: I am pleased to hear that.

Mr. Oldfield: Don't you believe that all men are born equal?

Mr. W. A. MANNING: Yes, but unfortunately there are some people who have not had the opportunities. White people have at least had the opportunities to take their place in the community—opportunities to live decently. Basically there may be no difference—

Mr. Oldfield: I think you believe in free, white, and 21.

W. A. MANNING: I do not think the honourable member knows what he is talking about.

Mr. Oldfield: I read what you said three years ago.

Mr. W. A. MANNING: What I said three years ago is consistent with what I am saying now.

Mr. Oldfield: You didn't know what you said then and you do not know what you are saying now.

Mr. W. A. MANNING: I know what the honourable member said three years ago, and he had to apologise for it.

Mr. Oldfield: I could tell you—

The SPEAKER (Mr. Hearman): Order!

Mr. W. A. MANNING: I do not think we need bother very much with what the honourable member has to say on any occasion.

Mr. Oldfield: I still think you are the type that would go out and shoot them on a Sunday afternoon for sport, seeing you support a hanging Government.

Mr. W. A. MANNING: I believe that this Bill is a step forward and that we could tackle the native problem in the country, and improve the lot of the natives, by the setting up of advisory committees to help them in preparation for receiving their rights—what we might call a good neighbour for natives' council, or something like that. These are only small things, but they are needed. A lot has been done by the welfare committees which have the welfare of the natives at heart. If they work along the right lines they will accomplish something.

Mr. Perkins: Like your committee has done at Narrogin.

Mr. W. A. MANNING: That is so.

A member: A lot of it pious.

Mr. W. A. MANNING: If the honourable member were interested, and he visited the district he would find that a lot of the voluntary work done at Narrogin has been responsible for the success of the committee there.

Mr. Perkins: Hear, hear!

Mr. W. A. MANNING: I have no doubt about that, because I have seen with my own eyes the work that has been done. I know exactly what the position is, and it cannot be refuted. Perhaps as time goes on, if we follow the lines I have indicated, within the 15 years, when the first of the children covered by this Bill become of age, a number of advances can be made.

If we can accelerate the rate of application for citizenship amongst the adult people, by 1976 we may reach the position where almost all natives will have been granted citizenship rights. The sooner that state of affairs is reached, and by that means, the better it will be. But it must be done under a scheme which brings them into a category where they are acceptable to the community. I certainly endorse the Bill because I believe it is a step in the right direction.

MR. PERKINS (Roe—Minister for Native Welfare) [5.22 p.m.]: I would like to thank members for their approach to the measure. I recognise that there are differing opinions in the approach to this question of native welfare, but I have no doubt that the objective is the same. However, I believe that if one takes the wrong steps one can easily do more damage than good; hence my caution in the framing of this particular legislation.

I think probably some of the points could be better dealt with in Committee, when the clauses are under consideration; but I would like to emphasise that the basic idea of the legislation is to highlight the principle that it is not a question of granting citizenship to these people. They are all citizens, the same as any member of this House is, by reason of their Australian birth. But the fact remains that there are certain rights which they do not have because of our legislation, the two most important being that they do not have the right to obtain intoxicating liquor or the right to vote.

I think the member for Narrogin brought out those points very well indeed. He happens to represent an area, and he has lived in the area for a very long time, where the native problem has been most difficult. There is probably a bigger proportion of natives to white population in the Narrogin district than in most of our agricultural areas. I think anyone who has lived in a centre like that realises that just the mere granting of citizenship—so called—to a native does nothing at all to improve his way of life. It goes very much deeper than that; and therefore I think the member for Narrogin has a realistic approach to this problem, and I am very pleased indeed for the help that the committee in the Narrogin area has given.

I would also like to mention that the commencement of the provision of transition housing was authorised, and the houses

were partly built, before I took office as Minister for Native Welfare. The previous Minister for Housing—the present member for East Perth—made special arrangements with the Housing Commission to erect four houses down there; and I am deeply grateful for having had the experiment so far along the way that it enabled me to go ahead and put some of the ideas I had into practice much more quickly than I would otherwise have been able to do. The member for East Perth went down for the opening of those cottages, and the member for Narrogin was there with members of the local committee.

But I think that the mere provision of houses is only the very first step along the way. As the member for Narrogin has pointed out, it has given us an opportunity to experiment in an area where, fortunately, we received first-class co-operation from the local community, and it has permitted us to learn by trial and error just how we should proceed in certain other areas. What the honourable member said about Narrogin can be repeated in regard to many other centres.

Sir Ross McLarty: They are doing good work at Pinjarra.

Mr. PERKINS: I think it can be repeated at a great many centres, and the success is largely governed not by what I can do as Minister for Native Welfare, or what the officers of the department can do. We can give a lead; but unless we get co-operation from the local people, and the assistance of good local committees, obviously the work will be very much slower.

I hesitate to differentiate between one district and another, because there is hardly a district in the State at the moment—that is, a country district—where we are not receiving this very enthusiastic co-operation. It is much more difficult in the metropolitan area; but here again I would also like to thank those enthusiastic people who have worked under very great difficulties at Allawah Grove. That is probably the most difficult situation of all to deal with, because when I became Minister for Native Welfare I found a most disorderly situation out there.

I tried to find another native reserve where I thought we might set up a rather better type of camping arrangement; but as the member for Guildford-Midland knows, it is not easy to get agreement in any area to put in such a native camping reserve. The action I was finally forced to take at Allawah Grove—and I think perhaps it has worked out as something of a blessing in disguise—is that those who show the most promise there have been assisted. They have moved out into houses elsewhere in the metropolitan area, or in the country districts, and without any flamboyant publicity. Many of those families are now living adjacent to white families in the metropolitan area. They are living a normal kind of life, which we want, and we hope that they will all eventually graduate to that kind of existence.

It is absolutely fatal to give publicity to those families because, unfortunately, we find that there are still strong prejudices by some people against them, and one could do a very great disservice to a particular family if one identified it. There is still a difficult group out at Allawah Grove, but I give due credit to the native welfare council which is operating out there. It is still tackling the problem and trying to rehabilitate even those who have gone further downhill; and we as a department are giving all the help we can.

However, I want to emphasise that the Allawah Grove settlement, in particular, has had much more money spent on it by the Native Welfare Department per native family, than any other single group of natives in the State. That is to be expected, of course, in view of the fact that we have such a difficult situation to handle.

Dealing with the specific provisions in the Bill, mention has been made of differentiation between members of families, some of whom may be born after the 1st January, 1955—the deadline named in the Bill—and some before that date. There has to be a deadline somewhere, but I would rather have that differentiation than any other because the children of members and my own children are subject to that same differentiation. Until they are 21 years of age they are not entitled to be enrolled, nor are they permitted to obtain alcoholic liquor. Those are the two principal privileges which natives are denied.

By fixing a deadline there is no differentiation on account of the colour of their skin. There will be problems, of course, because one individual could be six months under age or six months over age; but that position pertains at present. One could visit a portion of the State and see a limited number of natives in a community; and, because of that, people may ask whether the natives are under age. That is not important; but what is important is that we do not draw a line because of the colour of their skin. Therefore, we say that all children born after the 1st January, 1955, cannot suffer any differentiation in any shape or form, but will be subject to the laws of the land in the same way as anyone else.

I realise that there are many children who are growing up who would be just as capable of taking their place in society as those in the younger group; but, unfortunately, until we have an opportunity to grant them educational facilities, trade training, employment opportunity, and opportunity, in effect, to enable them to live a civilised life, many other older children and adults will find it difficult to take their complete place in society.

Mr. May: What about all those girls and boys after they finish at the mission? What happens to them?

Mr. PERKINS: They will not be any worse off after this legislation is passed than they are at present. They will have the opportunity to apply for their citizenship or their rights when this legislation is proclaimed.

Mr. May: But under this legislation, what happens to them?

Mr. PERKINS: Surely the honourable member knows what happens to them, because he lives in that area, and nothing different happens to them from what happens to anybody else who lives in the community. That question is something of a "Dorothy Dix-er" to which the honourable member would like me to make some reply.

Mr. May: I have told you before that I do not know what a "Dorothy Dix-er" is.

Mr. PERKINS: I do not want to revert to any political or parochial issue on this legislation. Whether members sit on the other side of the House or on this, I give them credit for trying to improve the lot of the natives. The point I want to emphasise is that if we move too quickly on this we could create the danger of making many of these natives worse off than they are at the moment. Too many people are influenced by what they see in a limited area. It could be a limited area like the one in New South Wales. There are a few native families in that district, and they are given the opportunity to enter hotels; but if they are not capable of living up to their responsibilities after being permitted to obtain liquor, they suffer the same fate as any white citizen.

Surely, if there is a danger of their not being able to take their liquor—of their becoming drunk and disorderly and being charged in the court for such an offence and later gaoled—we should take precautions to ensure that those things do not happen. Unfortunately, too many natives have been gaoled following their prosecution for liquor offences; and their gaol term has resulted in their being pushed further downhill rather than being reformed to any degree.

There is a danger of some people's reasoning being governed by what they see in a community where there are only a few coloured people in proportion to the rest of the population. Whatever legislation is passed here will apply to the whole of the State; and when one moves around in distant parts of the State, one finds in the ordinary State schools that there is sometimes only a small proportion of white children attending and the balance are native children; and, conversely, in other parts of the State one can enter schools where the majority of the students are white children.

In those circumstances, if one is irresponsible in allowing these partly civilised people to obtain liquor, a situation can develop as I saw one develop in the Murchison district soon after I took over the portfolio of Minister for Native Welfare. Members will no doubt recall the murder that occurred at Meekatharra, following which a native man was gaoled after being charged with committing that murder. Unfortunately, there are several other natives who have been sentenced and who are still in gaol for committing murder; and who, I feel, would not have committed such a crime had it not been for the undue effect of liquor upon them.

The danger I emphasise in giving to these natives full citizenship rights, is that if such disorderly conduct arises in those districts where the coloured people outnumber the whites, much hostility develops among the ordinary white population of those centres. I can only emphasise again that the whole success of proper assimilation and integration of the natives into our community rests upon the co-operation which is shown in each district, and to which I have already referred.

During his remarks, the member for Narrogin illustrated more eloquently than I could—because of his personal knowledge of the situation in his own district—just what happens when that co-operation is forthcoming. I do not want members to think that co-operation is not forthcoming in any other centres. One immediately thinks of Cue, for instance, where we have established a hostel to serve the native children who come in from many parts of a considerable area; and where a prominent pastoralist, Mr. Charles Lefroy, is chairman of the committee. One of my officers remarked to me that he thought Mr. Lefroy spent more time running the native hostel than he spent on his extensive pastoral property. If one could recruit the services of more people such as Mr. Lefroy, a great job for the natives could be done in each district.

I do not want to differentiate between one district and another; because we are finding that, as the Government department in charge, we have to take the appropriate steps to give a lead and to spend money on housing, educational facilities, trade training, and employment facilities, and generally improved living conditions for the natives in the various districts, and we do receive this kind of enthusiastic co-operation. I hope the House will accept this Bill not as the complete answer to the problem, but at least as the first effective step to what I hope in the not too distant future will be the elimination of any native problem as such.

The sooner it comes about the better I will be pleased; and I am sure that every member of the Department of Native Welfare will be happy to think that the point has been reached where they can become

ordinary welfare officers in a department without any differentiation because of colour.

Constitutional Majority Requirement

The SPEAKER (Mr. Hearman): To be passed, this Bill requires a constitutional majority. If it is to be carried on the voices there must be no dissentient. I will put the question.

Question put.

The SPEAKER (Mr. Hearman): There are only 25 members present. Ring the bells.

Bells rung.

Mr. TONKIN: I just want to be sure about the procedure that is being adopted, Mr. Speaker. No division has been called for.

The SPEAKER (Mr. Hearman): No.

Mr. TONKIN: And no question of a quorum was raised. The question was put to the vote and there were insufficient voters to carry it. How is it, Mr. Speaker, that you are able to have the bells rung in order to bring members into the House? No division has been called for.

The SPEAKER (Mr. Hearman): Actually I did not wait for anybody to call for a division; and I suppose technically the member for Melville could be correct.

Mr. Brand: No.

The SPEAKER (Mr. Hearman): In point of fact I did rule that a constitutional majority would be necessary to carry the question; but on counting the House I found that a constitutional majority was not present. By ringing the Bells we can still decide whether or not a constitutional majority can be achieved.

As I have said, this Bill requires a constitutional majority. I put the question once before, and there was no dissentient voice; but there was not a constitutional majority present. I was entitled to presume that it was the will of the majority of the House present that the Bill should be carried. I have now had the bells rung, and I will put the question again. If there is no dissentient voice I will count the House to assure myself there is an absolute majority.

Question put.

The SPEAKER (Mr. Hearman): I have counted the House and there are 26 members present. I accordingly declare the second reading carried by a constitutional majority.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Native Welfare), in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

Mr. PERKINS: As I indicated during the second reading of the Bill, and also by interjection, the member for Gascoyne made some remarks on a matter which I think is covered by the amendments I have had prepared by the Crown Law Department.

The point had already been raised, but just how important it is I am not quite sure. There is no objection to the principle involved, however; the main thing is that we must adequately cover the position. I rather gather the member for Gascoyne has some misgivings as to whether the amendments prepared for me by the Crown Law Department go far enough. To test the position I will move the first of my amendments; then, if the member for Gascoyne desires, I could have the position examined. If he is not satisfied, perhaps we could report progress and deal with the matter at a later stage. I move an amendment—

> Page 2, line 36—Add after the word, "mother," the words, "or the father has deserted the mother and the child resides with the mother,".

Mr. NORTON: This seeks to amend the definition in clause 2. As far as I can see the definition does not go far enough; it only goes part of the way. It certainly would give the custody of the child to the mother where the father has deserted, and where the mother has not been given the custody by the court. But the definition does not include the child of a white father, or a quadroon whose mother is half-caste or more. Such a child would not be included in the citizenship rights certificate. By virtue of the child's status at birth, the mother could not have him included in the certificate.

Progress

Progress reported and leave given to sit again, on motion by Mr. Perkins (Minister for Native Welfare).

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Works) [5.53 p.m.]: I move—

> That the Bill be now read a second time.

This is a very small Bill which has been introduced to validate certain action already taken, and to make it possible for some small towns in the north-west to have a supply of electricity.

The purpose of this Bill is to amend the Public Works Act in order to confer power on the Public Works Department to undertake electricity generating stations in areas where the State Electricity Commission is not prepared to act. At the present time the State Electricity Commission is not

functioning as a generating or supply undertaking for electricity in the north-west. During the past two years, due to the increased activity in the north-west, repeated requests have been made by a number of towns in that area for the supply of electricity. It has been found in some cases that the local authority has not been prepared to take the responsibility of providing such a service. In such circumstances it has fallen to the lot of the Public Works Department to do so; and it is doubtful whether, under present legislation, it has the necessary authority. Consequently it has been decided to amend the Public Works Act for this purpose.

This power to undertake such electricity operations can be exercised only with the approval of the State Electricity Commission; and it is not intended that the Public Works Department will exercise it where the local authority or a private concessionaire is competent and willing to provide such facilities.

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

SPEARWOOD-COCKBURN CEMENT PTY. LIMITED RAILWAY BILL

Second Reading

MR. COURT (Nedlands—Minister for Railways) [5.57 p.m.]: I move—

That the Bill be now read a second time.

Under the terms of the agreement between the Government and Cockburn Cement Pty. Ltd., the company has the right to request the State to provide a spur line connecting the northern boundary of the company's works site with the main Jandakot-Armadale railway.

The conditons under which this spur line is to be constructed are that the railway to the company's boundary will be at the cost of the Government, and the sidings within the company's works will be provided at the cost of the company.

The company will also guarantee to the State sufficient revenue to meet actual costs of maintenance, operations, interest, and depreciation until such time as the traffic to and from the works over the line exceeds 50,000 tons per annum in the aggregate, and from the time that aggregate is reached the company is to pay the normal freight charges for this traffic.

The agreement further provides that upon being requested by the company to provide a spur line, the State shall within a period of eighteen calendar months comply with such request. On the 4th April, 1961, the company requested the Government to provide a railway connection, which means the spur line is to be constructed before the end of September, 1962.

Negotiations have taken place between the company and the Commissioner of Railways, and the commissioner has recommended that construction of the line should be carried out at the earliest possible date. The estimated cost to construct the railway is £92,000, and the length of the line from the northern boundary of the works site to the most suitable point for the connection at Spearwood is 4.5 miles.

The route traverses freehold land in a market garden area, some parts of which are partly developed; but by generally following the back boundaries of the lots there will be a minimum of disturbance to the occupants. As far as can be seen there will not be any case where the owner's use of the land will be influenced to the extent that he will need to shift to another site.

Figures taken out for twelve months up to the 31st May, 1961, show that a total of 20,000 tons of cement had been forwarded by rail by the Cockburn cement works, in addition to which 4,480 tons of gypsum were received by rail for the works.

The company has not given any indication of the traffic increase that is expected but it recently embarked on a sales promotion programme and expects to send greater tonnages when the rail connection is established. In the meantime, of course, the company is bound by the provisions of the agreement to service the funds involved in the construction and operation of this line, ahead of the minimum tonnage of 50,000 tons.

Increased industrial activity is expected to bring a sharp increase in cement consigned by rail, with a proportionate increase in gypsum railed to the works. It is anticipated that tonnages to be conveyed over the railway will approach 50,000 per annum in a relatively short period.

The company is aware of the impending conversion of the Kalgoorlie-Kwinana section of the railway to standard gauge but has requested this spur line which will be connected to the 3 ft. 6 in. gauge line which will remain in this area.

For the 12 months ended the 31st May last, 87 per cent. of the cement forwarded by rail by the company was to destinations which will remain on the 3 ft. 6 in. gauge; and the company has agreed tentatively that standard gauge facilities should be connected when constructed from Fremantle to Kwinana.

Whatever the future of the Armadale-Spearwood section consequent upon completion of the Mundijong-Kwinana railway, the Robb Jetty-Spearwood section will be retained to serve as a shunting neck for industry already dependent upon the facilities. The area generally has been gazetted for industrial purposes and rail access will need to be maintained.

Under section 96 of the Public Works Act it is necessary that the approval of Parliament be obtained for the construction of a new line; and the purpose of this Bill is to meet that requirement. It was thought at one stage that a special Act would not be necessary and that the line could be treated as a diversion from prior approvals. However, Crown Law felt it was desirable to have this line treated as a new line and, therefore, subject to a Bill.

The schedule to the Bill gives a description of the course to be taken by this railway; and when I conclude my comments I will table plan No. 51671, as is required by statute.

The railways welcome the speeding up of the establishment of this line. The alternatives under the old agreement were that the company could either wait until the tonnage had reached 50,000 tons per annum, in which case it would only pay the normal rail charges, or it could request the railway earlier and service these funds by mutual arrangement with the commissioner. The commissioner is anxious to have the connection made. He thinks the sooner it is made the better, because it will ensure for all time that the maximum proportion of cement business will be carried by rail.

The main purpose, of course, is to ensure the maximum transport of cement to areas where rail transport can economically be used. The establishment of rail facilities and handling facilities within the works yards will greatly improve the economics of handling by rail; and in my view, as well as that of the commissioner, it will be in the interests of the railway system.

Mr. Davies: Who will build the railway?

Mr. COURT: The railways; it is an ordinary railway line. It will be at the expense of the company within the works site. All the handling equipment which is going into the works yard—within the Cockburn Cement works yard—and which is going to cost £10,000 will also be provided at the expense of the Cockburn Cement Company. This is additional to the sidings.

Mr. Davies: The railways will be responsible to the boundary of the site.

Mr. COURT: I imagine the company would want to build its own handling facilities as distinct from the spur line and sidings in its yard. These will be the company's responsibility, and it will undertake to do this. It is estimated to cost £10,000—that is for the handling facilities within the works yard as distinct from sidings.

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

BILLS (3): MESSAGES

Appropriation

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

1. State Transport Co-ordination Act Amendment Bill.

2. Public Works Act Amendment Bill.

Message from the Lieutenant-Governor and Administrator received and read recommending appropriation for the purposes of the following Bill:—

3. Spearwood-Cockburn Cement Pty. Limited Railway Bill.

STATE HOUSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR. GRAHAM (East Perth) [6.7 p.m.]: My first reaction to this Bill, particularly upon making reference to the parent Act —which is a document of some 69 pages— is that it might be worth while to give some attention to abbreviating the State Housing Act to make it more concise.

My overall thought on the matter is that a statute which sets up a board for the purpose of doing all sorts of things necessary to supply homes, whether for sale or on a rental basis, to persons in respect of a lesser amount than a stipulated figure, would almost be sufficient to constitute the entire Act. But I am afraid that in the State Housing Act practically every activity is set out in detail—not only what should be done and may be done, but the manner in which it shall be done.

I had experience of this sort of thing with regard to second mortgage arrangements. When that legislation was proposed, the first draft I received from the Crown Law Department was the best part of 20 pages and that horrified me. It was referred back to the department and then reduced to eight pages, a further reference to that department bringing it down to something that looked like one of the very little Bills referred to by the member for Eyre.

That indicates, surely, that all the machinery part is not necessarily essential to a statute in order that it might work effectively. I think that because there is an attempt to write so much detail, when a minor departure is necessary an amendment to the Act is required; whereas if the broad principles were stated in the legislation the procedures could be altered by administrative decision.

The Bill itself contains, in my view, only a couple of points that really require mention. The first one I am not at all happy about. The board, as it is usually known, of the State Housing Commission comprises seven persons of which number at

least three shall be employees of the Crown. The proposal in the Bill is to make some alteration to reduce the number of Government employees or public servants to two. Therefore, this board which will be in charge of a Government department will be so constituted that there will be five persons who are removed from the Crown entirely and only two of them in any way will be responsible to the Crown. The previous ratio of 4 to 3, in my view, was exceedingly generous; but now to reduce it to the figure of two only out of seven is going a little too far.

I have not checked in recent days; but I think that during the six-year period I was Minister for Housing, there was something like £50,000,000 of State and Commonwealth money spent by the State Housing Commission. During that term no other Government department spent more money—including the Public Works Department and the Railways Department. To a greater or lesser extent, in the matter of pounds, shillings, and pence, the State Housing Commission will still be responsible for the expenditure of considerable sums every year, in addition to which it will be managing an estate of some scores of millions of pounds.

For the life of me I am unable to satisfy myself that it is proper that a tremendous Government instrumentality such as this should be controlled by a board which is now to be not predominantly but overwhelmingly in the hands of people other than persons who are responsible directly to the Government; that is to say, public servants.

I am aware that this is being done very largely—or this is my assumption anyhow—to meet the position created by the retirement of Mr. A. E. Clare, who was the Principal Architect for many years. For some seven years he was, and still is, the chairman of the State Housing Commission. He was an outstanding officer—a man who has had a generation of experience with the Workers' Homes Board, as it was previously known; and, since 1956, with the State Housing Commission. I would be prepared to make considerable variations in the terms of the legislation to allow a man of his experience and capacity to remain associated with the board of the State Housing Commission. But I do think the wrong thing is being done by creating this state of unbalance to which I have made some reference.

There is another matter which arises from this, and that is that members of the commission are appointed by the Governor and hold office during the Governor's pleasure. There is no appointment for a period of three or five years or any other term, with the right of renewal; and I suppose it becomes embarrassing and exceedingly difficult for any Minister to tell a man, after he has served for a lengthy period honestly and faithfully, that he is sacked as from next month. Therefore I feel it would be desirable to have an age limit of, perhaps, 70 years, or to have terms of appointment so as to avoid the embarrassment of having peremptorily to virtually dismiss a member of the commission. Upon the expiration of a term the Governor could make a new appointment.

It is true that I was responsible for a number of amendments to the State Housing Act and I did not give attention to this matter. However, at the same time I think it is something that could be attended to.

Mr. Ross Hutchinson: That could apply to other statutory authorities.

Mr. GRAHAM: Yes; although to a very great extent with other authorities, the members of any boards are appointed for a set period.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GRAHAM: I would request the Minister and the Government to pay careful heed to the point I am endeavouring to develop. I propose to recite, in a few words, the history of this Act. The State Housing Act was passed by this Parliament in 1946. It provided for a commission of five persons, three of whom were public servants. There were two others, one representing the builders, and one representing the building trades workers. There was therefore a majority of Government representation. I stress that was the concept of the board.

In 1947 there was a change of Government. A Bill was introduced to make certain amendments to the State Housing Act; and belatedly—because it did not appear in the Bill that was submitted—an amendment was placed on the notice paper to provide for two additional appointees, one to be a woman, and one to be an ex-serviceman. Parliament accepted those additions which, of course, had the effect of upsetting the balance by making the board now a body of seven persons, of whom four were from outside and three—the minority—were from the Public Service.

I think a mistake was made. I have read the debates which took place at the time, and there was a little political by-play—or party by-play—on the matter of the appointment of a woman and an ex-serviceman, the thought being, from those on this side of the House, that this was done for the purpose of having certain electoral appeal.

Be that as it may, the fact is that—at least in the Legislative Assembly—no consideration was given to the fact that this important Government department, spending millions of pounds a year, and the trustees or custodians of tens of millions of pounds in land and housing generally—would be dominated by persons who were not subject to Government control—that is to say, they were not public servants.

As I have already indicated, this Bill seeks to make that position worse by having only two of the seven members drawn from the Public Service, the other five being outsiders—and I use that term in no sense of any disrespect to those persons encompassed by it. The thought occurs to me that the Government has made this move unthinkingly and without having regard for the important point that I have raised. I have already indicated that I welcome action being taken to make provision for Mr. Clare to continue his association with the State Housing Commission.

I feel that in order to bring the situation back to some semblance of balance it will be necessary for me, when this Bill is in Committee, to move that the appointees from the Public Service should be four in number. They will still be outnumbered five votes to four; but at least it will be a much closer balance than will be the position if this Bill passes in its present form.

The only unfortunate part about it is that the commission will be increased in number from seven to nine. I am not in favour of increasing the total number; but the only way to allow the existing representation and to make some provision for Mr. Clare—and I think that would be the unanimous wish of members of this House —would be to adopt steps along the lines I have indicated. It is true that the Act says, in section 7—

> This Act shall be administered by the Minister, and under the Minister, the Commission is hereby authorised to carry out the provisions of this Act.

It might be thought from that, that irrespective of what the commission might decide the Minister was in the box seat and able to direct the commission on every point. Section 21 says—

> . . . . the Commission may from time to time exercise the following powers:—

The section goes on—

> (a) With the consent of the Minister . . .

Later on in the same section it says "with the approval of the Minister" to do certain things—that "in the opinion of the Minister and on the recommendation of the commission" certain things can occur. Section 25 says that the commission may from time to time on the recommendation of the Minister do certain things. Further on in that same section it says—

> . . . shall be submitted by the Commission to, and be approved by, the Minister.

As this legislation, as I have indicated, sets down specifically that the Minister's consent or approval is necessary in certain parts, my interpretation would be that in respect of other sections of the Act there is no requirement for the Minister's approval to be obtained.

So I come back to the all-important matter: that here is a Government department, under a slightly different name, handling many millions of pounds annually; and this responsibility is being placed in the hands of a board where the Government is, if this Bill passes, to be outnumbered five votes to two. When we reach clause 5 in the Committee stage it will be my intention to delete a few words.

In 1958 the Hawke Labor Government introduced a scheme of allocating a certain amount of the State Housing Commission's moneys to be used for the purpose of erecting homes for Government officers—it could be for an agricultural officer in a certain district, a police officer, a school teacher, a fisheries inspector, and so on, so that in the course of years there would be a stockpile of homes in various centres where they were necessary, for governmental purposes, to overcome some of the difficulties experienced by officers who were subject to transfer and to overcome the heartburnings of the local residents who, on occasions, found that in their view a "blow-in" from Perth was receiving immediate consideration by way of allocation of a home, in front of a local family that had been waiting for a considerable time.

It is true that the homes built by a Labor Government—and I think it is still true to say, by this Government, which has continued the practice—have been built in country districts. But it might be desired to erect a home in the metropolitan area for a police officer, a health officer, or someone like that; and as the Act is being tidied up by making specific reference to this scheme of building houses for Government employees, I fail to see why there has been placed in the draft we are considering the words, "in the country districts of the State." It means that this will enable the State Housing Commission to erect homes on land purchased, held, or acquired by the commission only in the country districts of the State, for the purpose of leasing under certain terms, and so on.

If the House agrees to the deletion of the words I mentioned—"in the country districts of the State"—I would say quite confidently that, under any Government, the great bulk of the houses would be built in the country districts; but if it were necessary to erect a house or two in some particular part of the metropolitan area the Government would be able to do that. However, if those words are not deleted, and the Government desires to build a house in the metropolitan area, it will have to come to Parliament to do the very thing that I think we should do at this time.

The other provisions in the Bill are more or less to tidy up domestic procedures and transactions between the State Housing Commission and the Treasury Department. Further, there is a provision to increase a figure from £3,000 to £3,300 in

order to meet the situation in respect of the increasing costs in the erection of homes.

I raise no objection to the passing of the Bill at its second reading stage; but, as I have already indicated to the House, I would like agreement—and I trust I will get the concurrence of the majority of this Chamber—to an amendment to give a better balance in the composition of the board. In respect of housing for Government employees, I will move an amendment to leave the Government unfettered so that it may erect houses in the country districts, where the great majority would be built, but also, if occasion arose, to enable it to build a few in the metropolitan area to meet special needs.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) for Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 9 amended—

Mr. GRAHAM: This is the clause which deals with the composition of the commission, usually referred to as the board. In order to give effect to my proposition that there should be a better balance of the members on the board—indeed, I think if it were properly done there would be a majority of Government members; but I am not proposing to go as far as that—and to have four Government representatives and five non-Government representatives, I wish to move an amendment.

Before I can do that, however, it has occurred to me that it will be necessary to move to delete the word "seven" in the Act and insert in lieu the word "nine". The Act says that the commission shall consist of seven members to be appointed by the Governor. I seek to delete the word "seven" for the purpose of inserting the word "nine"; and then subsequently to provide for four Government members, leaving the addition of the other person as the Government proposes. I move an amendment—

> Page 2, line 3—Insert after the word "amended" the following new paragraph to stand as paragraph (a):—
>
> (a) by deleting the word "seven" in line 1 of subsection (1) and inserting in lieu the word "nine".

Mr. WATTS: The member for East Perth, in addressing himself to the second reading, I think made it quite clear to everybody why he desires to do this. He is dissatisfied because Mr. Clare, the former Principal Architect, being no longer a public servant, will not, therefore, come under the provision in the parent Act which requires that three officers shall be officers employed in the public service of the State. On the other hand, he recognises the desirability, in present circumstances, of retaining on the board the services of Mr. Clare who, for seven or eight years, has been chairman of the Housing Commission.

The honourable member has also expressed the view that quite apart from this, argument develops out of the fact that Mr. Clare, if left on the board under the provision in the Bill—as he no doubt will be—will no longer be a public servant; that there is a weakness which dates from 1947 or thereabouts in that, because of the amendments made then, the number of Government nominees will be exceeded by the number of non-Government personnel.

In order to overcome those two problems which he has raised, the honourable member desires to make the number of members on the board nine: presumably in order that he can increase, subsequently, the number of public servants on the board to a greater number than three. I cannot see anything particularly undesirable in the position as it is set out in this measure, partly because of the fact that the Housing Commission, so far as I can understand, has operated successfully since 1947 with a minority of Government public servants on the board; and, further than that, has done, throughout all those years, an excellent job and has received, broadly speaking, little or no criticism from anybody.

So on the surface it does not appear that the absence of an additional Government nominee during that time has had any detrimental effect on the operations of the commission. It might be said, perhaps, that that is due to the particularly strong terms in the parent Act in relation to the position of the Minister, for not only are there sundry provisions, as read by the honourable member, which provide that certain matters have to have the approval of the Minister, or ought to be done on his recommendation, but in the Act there is this particularly strong section 7 which says, "This Act shall be administered by the Minister, and under the Minister, the Commission is hereby authorised to carry out the provisions of this Act."

Usually anything the statutes provide shall be subject to the Minister, but in this case the statute states that the Act shall be administered by the Minister, and under the Minister the commission is hereby authorised to carry out the provisions of the Act. Then, in section 8, the following appears:—

> For the purposes of this Act there shall be a housing authority called "The State Housing Commission" which subject to any directions of the Minister—
>
> (a) shall be charged with the administration of this Act.

So it seems to me that under the State Housing Act the position of the Minister is exceptionally strong, and that removes entirely from my mind any semblance of the fears which the member for East Perth has expressed.

Mr. Graham: Will you please comment on the fact that there are provisions relating to consent being given by the Minister, provided he gives his approval?

Mr. WATTS: I think they can normally be regarded as being supernumerary as it were. The governing factor is the words contained in sections 7 and 8. I think the other provisions which the honourable member has referred to are in abundance in principle, because with those two phrases in the Act I would suggest that the commission, if the Minister chose so to do, could be hamstrung on every turn at his direction. In consequence, I cannot share the fears of the member for East Perth.

Mr. GRAHAM: I thank the Minister for his information and observations, but I am not completely satisfied. As a matter of fact, on one occasion when there was a difference of opinion, somebody highly placed in the Housing Commission, subsequent to my quoting sections 7 and 8 of the Act, pointed out the very things I have indicated this evening and expressed doubt as to whether I, as Minister, could impose my will in respect of certain matters. I would assume that the discussion took place along those lines. There was no heat or violent disagreement following the discussion between the officer concerned and the Crown Law Department, because it would be most unusual for a departmental officer to speak in those terms to the Minister unless he was certain of his ground in challenging, in a friendly fashion, the authority of the Minister.

So I am not completely satisfied with what the Attorney-General has said, although he has had little opportunity to go fully into this matter. However, even if what he suggests is the actual position, surely he will agree with me that it is wrong in principle for an important Government department, which is a big money-spender, to be entrusted to the administration of outside people. We have the Lands, Mines, and Forests Departments, and each acts under the head of the department and carries on its work apparently quite successfully.

If I may digress for a moment, Mr. Chairman, I doubt very much whether there is any need for a commission if there is appointed a director of housing who is responsible for the affairs of his department in the same way as existing permanent heads are responsible for their departments. This is something that grew from the Workers' Homes Board which was established some years ago.

In getting back to the particular point, I am conceding to the Government the desirability of making provision for the appointment of Mr. Clare on account of his experience and outstanding qualities; but in making provision for the State to take advantage of his services, surely it is undesirable that we should disturb the balance. Where it is four non-Government to three Government representatives on the board, the numbers are very close; and I suppose, in the majority of cases where a vote happens to be close, the other members of the commission would defer to the Government's representatives. However, when the balance is five to two—or, in other words, when those representing the public service are hopelessly outnumbered by the other members of the board—all sorts of embarrassing situations could occur. Here let me hasten to agree with the Minister that the six-man-and-one-woman board has operated very successfully and smoothly.

One of the contributing factors might be the nature and the temperament of the persons who comprise that board, and the fact that there have been such persons as Mr. Clare, Mr. Hawkins, and Mr. Coram from their respective spheres who have had many years of working together and have accordingly developed an excellent understanding. I do not wish to digress, but one is tempted to ask whether this is not another case of a Government instrumentality being handed out to private enterprise.

Mr. Watts: Not quite, in view of sections 7 and 8.

Mr. GRAHAM: Having in mind other things I have mentioned, I have not as much faith in the strength of sections 7 and 8 as has the Attorney-General. To give an illustration: Under the Public Works Act land may be resumed for all sorts of things required and specified, and for any other public works which in the opinion of Her Majesty are desirable in the public interest. But it was written in the State Housing Act that there should be powers of resumption for a limited period—and that term was extended, but it has been allowed to expire—and I am informed that Crown Law opinion is that as it was written into a separate statute and then removed by the will of Parliament, and as it was a later statute it superseded the will of Parliament, and accordingly land could not be acquired through the Public Works Act for purposes of housing.

Mr. Watts: That is the general principle: the last statute has the last word.

Mr. GRAHAM: Sections 7 and 8 appear to give complete and absolute authority to the Minister, but there are later sections which lay it down—

Mr. Watts: Not section, but statute.

Mr. GRAHAM: It is not quite a parallel, but pretty close to it; as there are certain sections which specifically require the consent of the Minister or the power of the Minister to make a decision on the recommendation of the commission, I think there is every possibility—without being certain—that where the express authority of the Minister does not appear, it could be argued that the commission has the complete authority.

However, what is worrying me at the moment is the broad principle of a Government department being overwhelmingly conducted by persons from outside. I think it is a sound principle that a Government department should be run by its own officers, both in the detailed administration and the broad policy making. So I intend to press this matter to a vote, but without a great deal of enthusiasm, because by and large I do not like boards where they can be avoided. Where boards are constituted I think they are more effective if they are small in numbers.

The damage was done in 1947 when the board of five with a majority of government representatives was increased to seven, without any reason being given. It was merely to curry favour with the ex-servicemen's and the women's organisations; because there was no requirement and no guarantee that persons drawn from among ex-servicemen, or a woman who was answerable to herself, should have a knowledge of housing.

Mr. Watts: The ex-serviceman was approved, if I remember rightly, because of the war service homes agency.

Mr. GRAHAM: That may have been a pretext that should have been used but was not used; though my memory is a little hazy. I do not think it would have had much merit because it would be found that every member who was a member of the State Housing Commission was an ex-serviceman.

Mr. Craig: But they were not representatives.

Mr. GRAHAM: No; but the point is that under the representation given in 1947 it says one shall be a discharged member of the forces as defined in the Commonwealth Act; not nominated by or responsible to the R.S.L., or any other ex-service organisation. In respect of a female it merely says one shall be a woman.

Mr. Craig: That would naturally follow!

Mr. GRAHAM: But it does not say nominated by the National Council of Women, or anything like that. As the appointment is during the Governor's pleasure even if the ex-serviceman was rendering a disservice to ex-servicemen, as long as the Governor was happy to have him there he could remain in office, notwithstanding the protest outside. That is merely to illustrate that the numbers were being increased without any reason other than to recognise the value of a woman in housing matters; and, as the Attorney-General suggested, the ex-service people were represented because of the war service homes agency. In the same way I am seeking to increase the numbers by ensuring that the Government will have an adequate voice; and two out of seven does not constitute that desirable state of affairs. Accordingly I seek to increase the number on the board to nine, to allow for two more Public Service nominees so that there will be four out of a total of nine, which I think will be more suitable.

Mr. WATTS: The honourable member has not raised any new points, but I would like to refer to one which we have discussed before and which he mentioned in his remarks: that is, the very strong provisions in sections 7 and 8 of the Act in regard to ministerial control. On this occasion I feel quite strongly on the matter because in another instance, which shall be nameless at the present time, I have recently had to go very carefully into this question of ministerial authority in regard to a set-up somewhat similar to this, which was very important so far as I was concerned.

There is no doubt in my mind that in the phraseology of this measure the power of the Minister is exceptionally strong and is not qualified by what follows—to which the honourable member has referred. Indeed I would go further and say that if the Minister obtained a declaration of policy from his Government and conveyed it to the Housing Commission in respect of any matter which may not be deemed to be covered—although I do not allow he will—under this Bill, there is a most interesting judgment of the High Court of Australia which says that irrespective of any ministerial control provisions, the statutory body is bound by that decision of policy. So I would put that to the honourable member, because—as I have said—I have gone into this matter very thoroughly with a view to ascertaining the position.

Mr. Graham: What about the two public servants who did not get any pay for their work?

Mr. WATTS: I do not share the fears of the honourable member in that regard. So far as the present appointee and the one intended to be appointed under this Bill are concerned I would say that this point definitely does not arise. I cannot imagine that a person with so wide a background and with such a tenure of service on the board will change his ways during his continued tenure. Therefore the proposition in the Bill is perfectly good.

Amendment put and negatived.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 21 amended—

Mr. GRAHAM: I move an amendment—

Page 2, line 27—Delete the words "in the country districts of the State."

I said during the second reading all I wanted to say on this amendment.

Mr. WATTS: The honourable member advised the Chief Secretary that he intended to move this amendment. The Chief Secretary and I discussed the matter and formed the opinion that the amendment should be accepted. It will not prevent a continuity of the present policy of erecting houses in the country districts.

I can imagine places in the metropolitan area, which is pretty extensive, where it would be desirable for the State Housing Commission to be unfettered in building a dwelling as contemplated by this clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 8 put and passed.

Title put and passed.

Bill reported with an amendment.

ENTERTAINMENTS TAX AND ASSESSMENT ACTS REPEAL BILL

Second Reading

MR. BRAND (Greenough—Treasurer) [8.17 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this measure is to repeal the legislation which imposes the entertainments tax. Members will recall that I advised the House of the Government's intention in respect of this measure when I introduced the State Budget for 1961-62.

The Bill is a very short one and simply makes provision to repeal both the Entertainments Tax Assessment Act and the Entertainments Tax Act. In 1942 this State, along with the other States, was required to vacate the entertainments tax field in favour of the Commonwealth, following the advent of the uniform taxation scheme. Accordingly an Act was passed as a wartime measure to suspend the State legislation.

The Commonwealth continued to levy the tax until 1953. It was applicable generally to all types of entertainment open to the public for which an admission charge was paid. In 1953 the Commonwealth decided to abolish the tax as a Federal measure, which left the States free to reimpose it if they so desired, without prejudice to their rights to income tax reimbursements.

However, New South Wales, Queensland, and South Australia did not reimpose the tax, and since 1953 entertainments in those States have been tax-free. Victoria, Tasmania, and Western Australia were not so generous, and the entertainments tax was continued as a means of supplementing the State revenue.

When the tax was reimposed by Western Australia in 1953, certain concessions not previously available under the Federal statute were granted in the case of entertainments giving a high degree of employment to artists and musicians, which are generally referred to as live shows. These concessions were added to in 1956 by an amendment of the Acts concerned. The Acts were again amended in 1959 in order to reduce the incidence of the tax and to grant complete exemption in the case of live shows and entertainments where the proceeds were for the benefit of public, philanthropic, religious, or charitable purposes.

With the advent of television and free entertainment being provided by many suburban hotels, fewer people attended picture theatres, and a number were forced to close down. Admissions have declined from 8,976,000 for the year ended the 30th June, 1959, to 6,217,000 for the year ended the 30th June, 1961. In view of the parlous state of the cinema industry following the steep decline in attendances, the Government decided in July, 1960, to refund all tax collections to proprietors of picture theatres where these did not exceed £20 per week. Where the tax collections exceeded £20 per week, then a refund of this amount was granted. In January of this year the maximum refund was raised to £30 per week. By these means proprietors of the smaller picture theatres were, in effect, given an exemption from entertainments tax; and in the case of the proprietors of the larger theatres, the incidence of the tax was reduced.

It will be of interest to members to record that whilst the entertainments tax is still imposed in both Victoria and Tasmania, the Governments in those States faced the same problem in respect of their cinema industry, and those two Governments have followed the example set by us here and have implemented a scheme for the refund of entertainments tax to picture-theatre proprietors along similar lines to our own scheme. It has provided a means of gradually abolishing the entertainments tax and will avoid a great impact upon revenue being felt in any one year as the result of the decision which has been made.

Sir Ross McLarty: What will it cost the Treasury?

Mr. BRAND: This year £70,000, and in a full year £135,000. We are not interested any longer in the £135,000 as we are providing in the Budget for a loss of £70,000, which will be the loss for the rest of the financial year from the 1st of January.

The result of the concessions granted since 1953 has been to severely limit the field of entertainment in which the tax is levied; and it now applies only to picture

theatres, horse-racing, dancing, and professional sport. It might be of interest for members to know just what these individual entertainments paid by way of tax last year. Collections from these sources were as follows:—

Picture theatres (net figure after deducting refunds) ..	£99,000
Racing	£22,000
Dances	£16,000
Professional sport	£2,000

That makes a total of £139,000.

The cost to Consolidated Revenue of abolishing the tax from the 1st January next will approximate £70,000, and allowance has been made in the Budget accordingly. The Government believes that the time has come to abolish the tax and I therefore have much pleasure in commending the Bill to members.

MR. HAWKE (Northam—Leader of the Opposition) [8.24 p.m.]: I do not intend to offer any opposition to this Bill to abolish the entertainments tax. It is true, as the Premier has told us, that the tax has been considerably reduced in more recent years, with the result that today it applies to a very restricted field of entertainment. I think we all know, either from our own personal observations or from reliable information which is available, that the film industry on the exhibition end has been having quite a battle in more recent years, and particularly since television has become a reasonably popular medium from which a great many families now receive their entertainment—not that all television shows are worthy of being described as entertainment.

At the same time, I think it is equally true to say that film exhibitors in this State—and maybe all over the world—are exploited very substantially by the film distributors. A deputation from local film exhibitors waited upon me some four years ago, and I remember the information which they made available under this heading, and the very strong criticism which they levelled against the film distributing companies. Naturally, the film exhibitors have to pay to the film distributing companies for the rent of films such rentals as the distributing companies demand. The exhibitors are, in these circumstances, in an extremely weak situation. They have no choice. They must rent the films in order to be able every day and every night to exhibit films and keep faith with their patrons.

Therefore, it is a pity there is not much more legislative power available in Australia and in each individual State to deal effectively with this vital feature of the situation. If such effective legislation did exist, then the exhibitors could obtain a reasonable degree of protection and could obtain films for exhibition at rentals far below those which are demanded by the distributing companies and which, of course, have to be paid by the exhibitors in order that they may carry on their businesses in a regular and reasonable way.

Sir Ross McLarty: Wouldn't these prices be fixed privately overseas?

Mr. HAWKE: The rentals for the hire of films are fixed, I understand, by the distributing companies in Australia. It may be and would be, of course, that to a large extent their rentals are decided by the rentals which they would have to pay to the companies overseas, which initially would send the films to Australia. I think we all know, in a general way at least, of the tremendous profits which are made by some companies and some people in the film industry. Unfortunately, most of these great profits are made by the film producing and distributing companies and certainly not so much these days by the film exhibitors.

I understand that last financial year the total amount of entertainments tax collected by the Government in this State was somewere in the region of £200,000. That, of course, is a fairly substantial amount of money and has doubtless been used for quite good purposes by the Government. The total abolition of the tax will, therefore, mean a loss of upwards of £200,000 a year to the Government.

It is rather a strange situation that at the same time as the Government is abolishing the entertainments tax, it has very severely increased other governmental charges upon the public; charges which a great many more people have to pay than the number who have to pay entertainments tax. After all, the business of going to a picture theatre is a voluntary action on the part of those who go. They may go or they may stay away according to their own desire, and certainly according to their own decision.

That does not apply to some of these governmental charges which have been increased over the last year or so. They are increased charges which no-one can escape because they apply to commodities which are thoroughly essential to the lives and the continued existence of people.

There is, additionally, the angle that, from all we can understand at this stage, this reduction of upwards of £200,000 a year in taxation will not benefit the patrons of picture theatres, or the patrons of racecourses, or the patrons of those other few remaining forms of entertainment which at present carry this tax. It is almost certain that the taxation, when it is no longer imposed, will remain directly with the proprietors of these forms of entertainment. They almost certainly will not reduce the admission charges, and consequently the patrons of the different forms of entertainment will receive no financial advantage.

At present, and ever since the entertainments tax has been in operation, the proprietors of the entertainments have

charged the patrons the amount of entertainment tax applicable, in addition to what has been the normal admission charge.

I know that as a Parliament we have no constitutional power to lay it down that this refund of taxation or abolition of taxation shall be granted by the various entertainment proprietors as a benefit to their patrons. I would not like to say what the long-range future of the film industry will be at the exhibition end. We know that a number of picture theatres have closed down in recent years, particularly in the cities of Australia; and what has applied in the Australian cities no doubt applies also in the cities of most other countries of the world.

The member for Murray and I have lived long enough to have seen quite a a number of changes in the forms of entertainments and amusements which catch the public fancy, in each period of, say, 15 or 20 years. Naturally public fancies change in this field as in most other fields. It is true also to say that science plays a very great part in this field.

The member for Murray and I can remember when there were no films at all in the accepted sense of films which exist today. In fact, if one saw half a dozen of the first movie pictures, as they were called, one would be sent to the optician for spectacles, because the eyes suffered very severely from the type of movie pictures, so-called, which first came into operation.

Sir Ross McLarty: It was like a shower of rain coming down.

Mr. HAWKE: Yes, the flickering was certainly terrific. Of course, with the great scientific improvements in the making and exhibition of films, we also later saw—or heard—the radio invented; and later. TV. I think any person would be foolish to say that TV is the last and final word in the development of enterment.

So it might very well be that this Bill for the abolition of the entertainments tax is justified, and fully justified, even though we accept the probability that the patrons of picture theatres and other entertainments involved will not receive any reduction whatever in the prices of admission which they will pay after this tax has, in fact, been abolished. So, in all the circumstances, I offer my support for the proposal in this Bill.

MR. GRAHAM (East Perth) [8.39 p.m.]: Members are about to see a living example of what I have stressed on a number of occasions in that whereas supporters of the Government are apparently required to adhere firmly to the lead given by the front bench, we of the Opposition are much freer to express our viewpoint.

Mr. Hawke: Very well spoken.

Mr. GRAHAM: I can find no good and substantial reason for supporting this measure. I state quite definitely that the State of Western Australia cannot afford to forgo an income which is the best part of £300,000 a year.

Mr. Brand: Did you say £300,000 a year?

Mr. GRAHAM: It is true that the collections in the last 12 months have been just over £200,000, but we must have regard for the fact that the Government gave initially £20 a week—subsequently increased to £30 a week—as a rebate or a hand-out to picture-theatre proprietors. But whether the amount was £300,000 or £200,000, is the Premier indicating to us that he has reached, in governmental affairs, such a state of affluence that it is possible to engage in these hand-outs?

I think immediately of the member for West Perth and his motion as moved last night—regarding the 1871 pensioners—where we have an example of two officers who occupied exactly the same position. One retired a few years ago, and his pension is £600 a year. The other one retired comparatively recently, and his pension is in excess of £1,000 a year. The injustice of that, merely because they retired at different times! And others are receiving a niggardly amount—that is to say, those who were occupying comparatively humble positions and retired, having reached the retiring age, quite a number of years ago.

I remember, too, that the Government abolished the 17s. 6d. a week that the Labor Government was paying as an additional amount to unemployed single men. I have recollections of the Government deciding to cease payments in respect of migrant orphan children, involving a direct saving of some £60,000 a year.

Surely it is the duty and responsibility of the Government to look after those least able to provide and fend for themselves! Surely at this time there are many deserving charities, institutions, and organisations which serve most useful purposes, which are short of funds and which could employ an amount of a few thousand pounds to assist them in the good work they are doing!

Mr. Brand: Are you going to use your best endeavours to have this tax restored in the event of a change of Government?

Mr. GRAHAM: I have not said anything of the sort. As an individual member of this Parliament I am expressing my viewpoint, and suggesting—emphasising—that there are more important causes to be assisted at the present moment than motion-picture-theatre owners, racing and trotting clubs, and the like.

It may be perfectly true that those people are in need of some assistance. But surely the Premier is not going to suggest to me that a motion-picture operator in a certain suburb or a certain township, whose business is not returning to him what it used to do a few years ago, should receive

consideration by the Government making it possible for additional moneys to find their way into his pockets, as against the type of cause I have outlined! It is a matter of a sense of proportion.

Mr. Brand: Some of the employees of the picture industry were very concerned, inasmuch as they wrote to the Leader of the Opposition, and prior to that had taken some action in respect of a request for the lifting of the entertainments tax in order that they might have more security in their jobs.

Mr. GRAHAM: That is understandable.

Mr. Brand: It is important, too.

Mr. GRAHAM: With the advent of the automobile I suppose the village blacksmith and his employees started to feel some concern.

Mr. Brand: That was right.

Mr. GRAHAM: But it was inevitable in the form of transport that there would be a movement of people from one occupation to another. These days with radio, and more especially with television, people have entertainment in their homes and otherwise use their motor vehicles to go to beaches and that sort of thing; and it is necessary for the motion-picture industry to adjust itself accordingly. Surely there is not an obligation on the Government to give preferential treatment to this particular industry when there are so many deserving organisations and individual cases!

Mr. Roberts: Is not the Government, by keeping these picture theatres open, assisting the person who cannot afford a TV set to have some entertainment?

Mr. GRAHAM: It is not assisting those people at all. I cannot recall offhand the amount of tax; but shall we say that for 4s. admission charge there is 6d. tax payable. I do not think there would be very many people who would stay away from motion pictures because the price was 4s. 6d. as against 4s. But with the easement of the tax, as the Government proposes, the picture theatres will still be charging their 4s. 6d.; and so, if the member for Bunbury's heart is bleeding for the pensioners and people who have very small incomes, their position will be precisely the same as it is now. There will be no lesser charge.

Mr. Roberts: That was not my thought. By this tax ceasing, picture theatres will remain open in certain areas. A lot of them have closed.

Mr. GRAHAM: That is true, because there is a transition from one form of entertainment to another.

Mr. Hawke: Some corner stores have closed, too.

Mr. GRAHAM: And King Canute Brand. or anybody else, is unable to hold back the waves. It is inevitable that there will be a number of these places that will close up. The usual thing is that when a tax is lowered or removed there is some advantage to the public or to the consumer. If the petrol tax is reduced we usually find that the retail price of petrol comes down a ½d. or 1d. a gallon as the case may be. We have had that recently with regard to electrical goods, and so on.

But in this case all of us are aware there will be no advantage whatsoever to the public. In other words, this £200,000—it could be greater than that—is going from the Treasury where, if it remained, it could do a tremendous amount of good for the underprivileged. I use that term in its broadest sense. Now it is merely going to assist certain operators of types of entertainment.

Is this going to make any difference as to whether a racing or a trotting club can continue in existence? In any event, is the survival of any particular racing club or trotting club of greater importance than the welfare of some sections of the community who are battling hard to provide themselves with the bare necessities of life? Again I say it is a matter of a sense of proportion.

It is a most delightful state of affairs if it is possible to give these hand-outs and concessions to any section of the community or to any type of business interests. But I say emphatically that the Government is not in a position to do so and accordingly should not be giving this consideration to those who are engaged in a certain type of business whilst there are so many needy cases and deserving cases that require assistance.

Let us take the Treasurer's figure of £200,000 and relate it to what I understand to be the procedure of the Grants Commission. The claimant States have, I understand, their cases investigated; and where any one of them is imposing taxes which bear more heavily than the standard States, then credit is given to the State, and it is rewarded accordingly. So in this case, if the Government is prepared to forgo £200,000 a year, reducing it by comparison with the non-claimant States—or the standard States as they are called—it means that a debit rests against Western Australia on that account.

I am confident that I am absolutely right in what I am saying; because on so many occasions the argument has been advanced that it is necessary for us to increase motor vehicle license fees, drivers' license fees, and other impositions. We have been told that that was necessary because, in addition to the loss of revenue to the State, we were being penalised. It is inevitable that, being in charge of our own affairs in Western Australia, in certain directions we spend more money or we impose higher charges, and where we impose higher charges there is a credit, and where we spend more money on social services, or matters of that nature, there is a debit in our account with the Grants Commission.

Therefore I am prepared to suggest that the State is losing £200,000 by way of this taxation, and that it will be penalised an

almost equivalent amount by the Grants Commission. I say, with even greater stress and emphasis, that the Government is simply not in a position to forgo this money. There are too many people and too many organisations in need of resources.

It is my intention to vote against the measure; and, having set the example, I hope and trust that this will be an historic occasion on which the rank and file members on both sides of the House will indicate to the Government that there are far more useful things which can be done with the money available than handing it back to racing clubs, dance-hall proprietors, and the exhibitors of motion pictures.

MR. HEAL (West Perth) [8.52 p.m.]: I rise to support the Bill—

Mr. Brand: A splinter group!

Mr. HEAL: —and I do so because I believe the motion-picture industry, and the theatre proprietors in particular, have suffered great hardship owing to the introduction of TV into the State, and also because of the later closing hours for hotels.

Mr. Oldfield: Have you got a theatre in your electorate?

Mr. HEAL: I have many of them.

Mr. Brand: You don't agree with the member for East Perth that we should have the entertainments tax and give it to your pensioners?

Mr. HEAL: As I proceed I shall give many reasons why I support the Bill; and I am hopeful that the other approaches I have made to the Treasury Department will meet with the same success.

I was about to say that the advent of TV—which has been installed in the homes not only of the upper class section of the community, but also in the homes of working people, due to the fact that they can hire or purchase a set for as low as 10s. a week—and the later closing of hotel premises have had a big effect on attendances at picture theatres. In addition, hotel proprietors, because of the 10 p.m. closing, now provide entertainment for their patrons. They provide music for singing and dancing; and, in my view, that has had a great effect on the picture industry.

My main concern in this matter is the effect it is having on those who are employed in the film industry—in the film exchanges, the picture theatres, and the open-air theatres. Everywhere we look around the metropolitan area we see that in nearly every suburb at least one theatre or open-air garden has closed down. In my view this has occurred because of TV and the late closing of hotels.

Another interesting point in relation to this Bill is that the Treasurer, in his wisdom, must feel that even though he is losing the revenue he is at present receiving from entertainments tax he can still finance the State for the forthcoming year. It is amazing that the Treasurer, and Ministers of the Government, on numerous occasions when one makes approaches to them on behalf of certain sections of the community, say that they cannot do this and they cannot do that because, if they did, we as a claimant State would be penalised by the Grants Commission.

Last night I moved a motion in this House to try to get justice for a certain section of the community. Also in a letter the Treasurer wrote to a certain organisation he said that if the Government approved of the organisation's request the State would be penalised because it would be making the basic wage adjustments apply to certain superannuation payments.

For the life of me I cannot see how the Grants Commission will approve of what the Treasurer is doing by this Bill; but, as I said before, I support the measure and I am glad that the Government has introduced it. In recent months I approached the Treasurer on behalf of a certain organisation, and I am awaiting a reply from him. In view of the introduction of this Bill I am hopeful that in his reply he will grant the request I have made. Apparently the Treasurer can see his way clear to balance the budget—or nearly balance it—this year.

Mr. Graham: It won't be his worry. He won't he there.

Mr. Brand: That's what you think!

Mr. HEAL: I am sure the very small request I have made to him will receive serious consideration. At least the introduction of this Bill makes me hopeful. As I said before, when the Bill is passed it will give the theatre proprietors, the film industry generally, and those employed in it, some relief and will enable them to continue for a least another year or two. Whether admission prices to theatres will be reduced after the passing of this Bill I do not know; but I would hazard the guess that if the price is 4s. or 4s. 6d. a seat it will remain the same. Therefore I cannot see how those who go to the pictures will receive any benefit from the passing of the Bill.

I hope that the passing of this measure will mean that many of the other requests made to the Treasurer will be agreed to. As I said before, I—and no doubt many other private members both on this side and on the other side of the House—hope that the Treasurer will give their requests the same sympathetic hearing as he has given to representations from the picture industry.

MR. JAMIESON (Beeloo) [8.57 p.m.]: I am sure we would all like to live in a state of Utopia, where no taxes at all were charged; but of course we all realise that under our system it would be virtually impossible to carry on without taxes, unless we were able to discover some rich commodity the royalties on which would pay for all the needs of the State and the requirements of its Treasurer.

This Bill proposes to abolish entertainments tax, and the arguments adduced in favour of the Bill are that it will assist the theatres, while others believe that it will not be of any assistance to the theatres. However, I am of the opinion that if the Bill is passed it will not halt the tide of progress. Under the circumstances, the Government is bound to do the most good for the most people; I agree with the member for East Perth in that regard, and I certainly believe that if we retain entertainments tax that is what will happen.

People south of the river have for some time been asking for another hospital to be provided; but because the Government has not sufficient finance it has been unable to proceed with that work. There is a requirement for additional classrooms for schools; but because the Government has not sufficient finance it has also been unable to proceed with that work. So one could go on and list a multitude of other urgent works in the community. Yet the Government is prepared to be over-generous in this matter.

If all the patrons of the picture theatres and the racing clubs, and the big dances and balls, and so forth, which still provide a fair amount of revenue by way of entertainments tax, were asked whether they would still be prepared to pay the small amount of entertainments tax and so enable the Government to provide the urgent necessities I have mentioned, I am sure they would be only too happy to oblige.

The money from this tax would certainly not pay for new schools and new hospitals, but at least it could be used for the repayment of loans which could be raised for the purpose; and I am sure that the majority of patrons would agree to the proposition that it is far more desirable that the tax should remain in force, as it has been. It has not been a burden on any particular person or class of persons. The theatre proprietors who think it is, are only fooling themselves. When this tax is abolished they will find that the patronage to their theatres will be no greater than what it is now. However, like people who get into deep water, they are clutching at any straw, and they think that this will be the one that will save them for a time.

That will not prove to be the case; because, in many instances, we have seen that, in all parts of this State, since the termination of the last war, many of those things we have been used to have disappeared. For example, the small corner shop, and even the butcher shop, to a great extent, are being incorporated into supermarkets or some other form of retail marketing in order to assist the housewife and enable her to carry out her shopping at one point rather than buy her commodities at scattered points throughout the district.

I am sure the Government, in giving away the revenue that is received from this entertainments tax, without having due regard to the provision of important undertakings that could be financed from it, is giving away a worth-while tax; and once it has been relinquished it will be very difficult to reimpose. I am not sure that, being a mendicant State of the Commonwealth, we will not be penalised to some degree by the Grants Commission as a result of the repealing of this tax, particularly since, as a claimant State, we look to that commission for a great deal of our finance.

The Treasurer has indicated that certain entertainments tax concessions have been granted to various classes or groups in those States where the entertainments tax still applies. If it is necessary, and it is thought it could be of some assistance, that might still be a good move on the part of this Government; but for it to abolish the tax completely and relinquish a source of income at this stage of our history is a bad move in my opinion.

As I indicated earlier, I would like to live—as all of us would—in a Utopian state where there would be no need to pay any taxes. But while we have to pay them they should be used to provide urgent and necessary services for the benefit of the people as a whole; and the Government should certainly not give away a tax such as this with the possibility of having to raise finance in another field to replace the money it is losing from this one. I oppose the Bill.

MR. BRAND (Greenough—Treasurer) [9.3 p.m.]: I am sure the member for Beeloo, when he made mention of the Utopian state in which there would be no need for any one to pay taxes, must have been envisaging one other than Western Australia. Surely be does not think there is ever going to be a stage reached in our history where there will not be a demand for the amenities and undertakings to which he referred, such as social services, etc., and the many other demands that are made by the people on a Government! Regardless of what is done from time to time in the way of raising or abolishing taxes, there will always be a demand on the Government to provide social services and other amenities to relieve any hardship of the people generally.

In regard to our situation as a claimant State, it must be borne in mind that when the entertainments tax was handed over by the Commonwealth Government to the States it was not reimposed by Queensland, New South Wales, and South Australia. At that time I do not think Queensland was a claimant State. Since then, South Australia has reached the position of being a little more independent and is not now a claimant State. New South Wales, of course, was definitely one of the standard States. Victoria, Tasmania and Western Australia did reimpose the entertainments tax. We, as

combined parties, on the occasion of the decision made by the present Leader of the Opposition, as Treasurer, to reimpose the tax, opposed it; and, as far as I know, vigorously opposed it.

The Leader of the Opposition, when Treasurer, said that if he did not reimpose the entertainments tax it would be very difficult to apply it later on. That was a logical approach if he intended, as Treasurer, to take advantage of the Commonwealth relinquishing the tax. When we became the Government, we realised that if we were going to lift the entertainments tax in one year the impact on our Budget would be such as to make the position very difficult. In the meantime, the difficulties confronting the cinema proprietors, particularly the proprietors of smaller theatres, became more accentuated with the advent of television and the entertainments that are provided free of charge at many hotels.

It cannot be denied that many theatres have closed down and that many men have lost their jobs. I was pleased to hear the member for East Perth say tonight that we must accept these changes even though they mean that men lose their jobs in one place to take up employment some place else. He accepts those changes, and I hope he will take the same view when other changes are made as a result of Government action.

Mr. J. Hegney: That was a change initiated by the Menzies Government.

Mr. BRAND: Yes; and there were changes brought about by the Chifley Government, too. We live in an era of changes.

Mr. Graham: I was talking about natural changes; not compulsory changes as a result of Government decisions.

Mr. BRAND: There are changes taking place all the time as a matter of policy, whether they be by decision of a Liberal Party Government, a Labor Party Government, or any other Government. We, as a Government, have finally asked the House to abolish the entertainments tax for the purpose of honouring our undertaking, which was given to the electors on the hustings, that we would ultimately abolish it.

The fact that the process of abolishing it has been gradual is a good thing, and we cannot ignore the fact that Tasmania and Victoria—Tasmania being a claimant State—are now following our example. Whether they intend, ultimately, to repeal the entertainments tax is not known, but we would imagine that they are heading toward that end.

If through this action we are able to preserve some stability in the cinema industry for some years, I think we will have made a good move. I cannot accept the statement that the patrons of the cinema theatres will not share some benefit from the repeal of this tax.

Mr. Graham: Have you any grounds for saying that?

Mr. BRAND: I have no grounds for saying that some of the benefits will be passed on; but it may be that the owners of the picture theatres will see fit to increase their cash turnover and attendances by passing on some of this saving of expenditure to their patrons.

Mr. Graham: But you have no knowledge of any case where that will be done?

Mr. BRAND: No; I have no knowledge of any case in which a picture theatre proprietor will pass the tax on for the benefit of his patrons; but it is a reasonable assumption that by our granting to them this extra margin of profit—if one cares to call it that—by our abolishing the entertainments tax on the cinema-theatre proprietors, they will have a reasonable margin in which to manoeuvre.

Mr. Fletcher: I sincerely hope you are right.

Mr. BRAND: I am glad the honourable member is with me.

Mr. J. Hegney: If you keep going a little longer you might get a few more.

Mr. BRAND: I notice the member for West Perth hastened to say where he stood in this matter; and I must say that he took a very realistic view.

Mr. Heal: Because I think it is right.

Mr. Graham: For the moment he forgot all about his 1871 pensioners.

Mr. BRAND: The member for West Perth said it was still on the Treasurer's plate. I know it will cost us some £70,000 this year, and the Grants Commission has yet to decide on the issue. But, because of the situation of the other standard States and the other claimant States, I feel there will not be a very heavy penalty.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Brand (Treasurer) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Repeal of Acts Nos. 12 and 13 of 1925 as amended from time to time—

Mr. HAWKE: As the abolition of this tax will deprive the Treasury of a considerable sum of money after the abolition first commences, and as the estimated deficit in the Consolidated Revenue Fund of the State for the current financial year is quite substantial, can the Treasurer say what measures might be adopted to make up for the loss of this tax after it has been abolished?

Mr. BRAND: The Budget has been presented to the House, and it allows for £70,000 as loss of revenue. We have worked out the Budget on an anticipated deficit of something over £1,000,000. I do not know whether the Leader of the Opposition wants me to say that we will not do this or that we will do that, but I would point out

that the finances for the year have been decided upon and included in the Budget presented to the House. By and large that will be the financial plan for the year. It may be necessary to increase or reduce certain revenues, but whatever is intended by the Government was outlined in the Budget speech.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

EXPLOSIVES AND DANGEROUS GOODS BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [9.17 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill for an Act to consolidate and amend the law relating to explosives; to regulate the storage of dangerous goods; and for other incidental purposes. The necessity for introducing this Bill hinges on the fact that existing legislation is outmoded; that it relates solely to explosives; and that it does not cover dangerous and flammable goods, which are the product of modern times, and extensive in number and type.

I would first like to explain the position in regard to explosives. The present Act was passed in 1895, only 25 years after the prototype dynamites were slowly gaining ascendancy over gunpowder which, for several centuries, had reigned unchallenged as a commercial and military explosive. When it was prepared the modern explosives did not exist, and it is thus inadequate for today's needs.

Crown Law has advised that modification of the present Act would prove too complicated and far less satisfactory than the presentation of an entirely new text. Other States have been faced with the same problem; and of recent years Queensland and New South Wales, and also New Zealand, have replaced the old legislation.

I would now like to refer to dangerous and flammable goods. Because dangerous goods and flammable liquids present hazards akin to explosives, control measures along lines parallel to explosives have been put into effect throughout the world. In Australia, South Australia, Tasmania, and New South Wales have had some statutory control for years; while Queensland and Victoria are, like us, preparing legislation. While in this State some concerns such as major oil companies have promulgated and observed rigorous codes, and local authority by-laws have achieved some measure of control, there is still no overall State regulation and co-ordination. With the State's great industrial progress and technological advances has come an array of new chemicals usually synthetic and unrelated to the well-known petrols, kerosenes, methylated spirits, etc. With these substances might be grouped various oxidising agents used in laundry preparations, weedicides, etc.; and, what is quite important from the departmental viewpoint, a new type of blasting agent made by mixing fuel oil with ammonium nitrate just before charging a shothole.

Oxidising agents neither burn nor evolve flammable vapours but they will support combustion in complete absence of air, sometimes with explosive violence.

Regarding the background of the Act, a long experience with explosives in this State, together with the study of legislation in other States and inquiry and investigation in same, has enabled the department to embody in this Bill sound provisions for the control of both explosives and dangerous goods.

All sections of the community specially concerned in the matter have been supplied with full details of the proposals, given time to study same, and asked for comments and suggestions. These include the Leader of the Opposition; the Chambers of Mines and Manufactures; the Police, Public Health and Railways Departments; the Fire Brigades Board; and the Fremantle Harbour Trust. Conferences with them in some cases have been held.

All points raised have been carefully considered; and, as a result, the Bill is thought to be generally acceptable to all concerned with these matters, and should prove a force for the welfare of the people and industry.

In the drafting of the Bill, existing legislation such as—

(a) the Criminal Code;
(b) the Fire Brigades Act;
(c) any other Acts so far as they relate to explosives or dangerous goods.

has been watched, and clause 6 provides that this new legislation will be in addition to and not in substitution for, or diminution of same. As an example, we do not invade the field of explosives usage defined by the Mines and Coal Mines Regulation Acts.

Similarly, radioactive and toxic substances are outside our jurisdiction except in so far as they might partake of the properties of explosives or dangerous goods as defined. Naval, Military or Air Force explosives or dangerous goods are exempted from the provisions of the Bill.

Many great advances have occurred in the manufacture and use of explosives of recent years, and science has also evolved substances of many types which require careful handling and transportation. It is essential that our controlling legislation should be up-to-date, and this Bill contains modern and concise provisions. All the instrumentalities and parties approached have agreed on its necessity and generally with its proposals.

I believe that this is substantially a Bill for the Committee stage, and have thus in these introductory remarks given a general outline of the position, and not gone into technical details.

Debate adjourned, on motion by Mr. Kelly.

Message: Appropriation

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

IRON ORE (SCOTT RIVER) AGREEMENT BILL

Second Reading

Debate resumed from the 5th October.

MR. MOIR (Boulder) [9.25 p.m.]: Members have had time to peruse this Bill, which was introduced in this House a week ago, and it must have struck them as being a most extraordinary document. It appears to me that the Government has laboured and brought forward a premature child. Perhaps I should add to that term and say that the Bill is more like the skeleton of a premature child.

The Bill is so full of "ifs," "buts," and contingencies, and depends so much on this or that factor that one wonders why it has been brought down at this stage. In a desire to place something palatable before the electors at the next elections the Government has introduced the Bill in order that it can claim that a further industry has been established in this State during its term of office. An incident which occurred last night convinced me of that, when the Minister for Industrial Development claimed the sponsorship of the Ord River scheme, which we all know was started by the previous Government.

Not very long ago a very important Bill, the Alumina Refinery Agreement Bill, was introduced in this House, but it was in a totally different category to the one before us. There the Western Mining Corporation acquired reserves in order to prospect for bauxite. That concern carried out extensive development; it tested the deposits extensively; it found out whether the ore could be treated economically; and then it formed a company to mine the deposits, and to establish a reduction plant to process the bauxite into alumina.

Before us we have a Bill making provision for all those things to be done under an agreement. I say that such an agreement is totally unnecessary. In regard to the bauxite reserves, we must remember that the Western Mining Corporation carried out extensive work and tests, but no agreement had to be made with the Government to permit the company to undertake those operations.

The concern with which the Government is making an agreement under the terms of this Bill could do likewise. It could undertake all the required investigations in respect of the mining of the iron ore, and the processes for treating that ore. With the consent of the Government a company could be formed to exploit these iron ore reserves. Instead, a Bill which contains an agreement has been introduced; and allows the company to do all that the Western Mining Corporation did over a period of three years without any agreement, except the protection which is afforded under the Mining Act, administered by the Minister for Mines, whoever he might be at the time.

So we are confronted with this agreement which, as I say, depends on so many "ifs" and "buts". It appears to me that the Government desired to place an accomplished fact before the people of the State and say, "What a good job we have done."

Dr. Henn: That would be right, too.

Mr. MOIR: There are many extraordinary provisions in this agreement. It gets right away from the provisions of the Mining Act when we look at the provisions in the Bill for the acquirement of land by compulsion. We have heard mention of these provisions in the Public Works Act; and we have heard them used in relation to the Government acquiring land for housing purposes in the metropolitan area, and we have also heard some doubts as to the legality of acquiring some of that land.

The Mining Act protects privately-owned property, and the requirements of that Act have to be met when any person desires to work minerals that are under the surface of private property. The people who own that property have to receive adequate compensation for the acquisition of their land. The people who own the land have no right to the minerals. There is one exception in this State and that is the Midland Railway Co. which has certain minerals rights in the property it owns. However, other people who own land do not have the mineral rights. Any compensation payable to those people has to recognise the value of the land, and notice has to be taken of the purposes for which that land has been used. If it is farming land the compensation payable will be somewhere in the vicinity of the real prices paid for agricultural land in the particular district where that land happens to be.

We find that provision is made in this agreement for the Government to use its powers to acquire the land by compulsion; but there is no mention in the Bill as to what prices shall be paid. The Bill does not say whether it will be a fair price, or a price arbitrarily fixed by the Government of the day. It seems rather extraordinary to me that the area required for the works site is 867 acres. That is not the area which will be mined, although there is no reason why it should not be mined if minerals exist under the surface. The primary purpose for acquiring this land is to build a works site. Evidently it is going to be a mighty works site. We have some big treatment plants on the goldfields.

They cover only a few acres, yet they treat thousands upon thousands of tons of ore in a year.

The Minister did not explain in his introductory speech why an area of 867 acres is required for this works site. It seems rather fantastic to me. In additon to that, the company is to be given an additional area away from the works site consisting of 50 acres if it requires it. Again, I say it would be a remarkable industry that covered 50 acres. I only hope to live to see in Western Australia an industry that requires 50 acres for its buildings, machinery, and so forth and so on. All this seems rather remarkable to me, and I cannot see the purpose of it. As I said before, there are so many "ifs" and "buts" in this agreement that one wonders what it is all about.

We find that the company is to be tied. Provision is made that the company has to make a start by 1962 or at some agreed later date. Did somebody just think of the year 1962 and say, "Well, we might not be able to start then, so we will say, 'on some later date' "? That leaves the position very open.

I noticed in the remarks of the Minister for Industrial Development that he made reference to the changing world pattern as far as iron ore is concerned; and he is reported in the Press as saying this—

> Because of the changing world pattern, it was unlikely that ore other than processed ore, would be acceptable for long-term contracts.

This makes one wonder what is the use of calling tenders for the Mt. Goldsworthy iron ore deposits and the Tallering Peak iron ore deposits. It appears that a different viewpoint has been taken with regard to the deposits at Scott River. I think the Minister went on to point out in his speech that big steel companies overseas were not prepared to carry huge quantities of iron ore that had not been processed in some way or another. This is exactly what he said—

> This is consistent with the changing scene whereby steel-producing countries, which cannot operate solely on their own iron ore deposits, are seeking furnace materials, processed to a degree beyond the raw ore, subject, of course, to improved economics of transportation and the like, and partly related to their internal plans so far as processing facilities are concerned. There is often a point beyond which these importing countries do not want to go in their own territories, for a variety of reasons.
>
> There is a significance in this trend, because if countries like Japan are importing huge quantities of raw material it means they are carting from one country to another very large amounts of uneconomic material. This is virtually waste material. In turn, those countries have to establish tremendous facilities in their various ports to be able to handle quickly and in bulk these huge quantities of raw material they are importing.

That could be true, too, but I do not think it would operate to any great extent, because the people who are deeply interested in mining iron ore from Mt. Goldsworthy, Tallering Peak, and other deposits in this State would not have a very good future.

Of course, as we know, some very competent people and some with very large financial resources behind them are endeavouring to obtain the rights to deal with the iron ore in these places. We read in the Press recently that there are now over 200 applications before the Mines Department for areas which are said to contain iron ore. No doubt those people have looked at the markets and are confident that they will be able to export the iron ore.

I would be the first to applaud if the iron ore which we have in this country had to be processed to a degree before it was exported. I would go further and say that we would be very happy if our iron ore deposits were wholly processed in this State and turned into iron and steel before they were exported from this country; because by that and that alone would we be receiving the full benefit which we are entitled to receive from these deposits.

We know, of course, that there are difficulties in the way. We know that, as yet, we have not discovered a source of fuel that would be on a sound enough economic basis to be used in the treatment of the ores; and that is one of our difficulties in this State.

Provision is made in the agreement whereby the company has, in addition to examining the deposits, to determine by investigation the economics involved in the treatment of this ore and arrange for capital to develop the plant which will be necessary for such treatment.

I have refrained from using the word "factory," because although this word is contained in the Bill I think it is rather ridiculous to describe a mineral treatment plant as a factory. I do not know what the workers on the Golden Mile or in the goldmining industry would think if they were referred to as factory hands instead of plant operators, which has been their designation for many years. The places in the goldmining industry where the gold ores are treated and the mineral extracted are designated as treatment plants; and I suggest that this contemplated operation means that there would be a treatment plant on the site which would require plant operators, and not factory hands. Anyway, that is by the way.

There is another matter which I desire to mention. Provision is made in the Bill for the Government to build 160 houses. However, when those houses are built they will be handed over to the company, which will pay rent to the Government; but the company will be in sole control of those

houses. I hope that when the Government does build those houses and hands them over it will make provision so that workers who have terminated their employment or who have had their employment terminated will not immediately be thrown out of those houses; because I have known that to occur. Proprietors of working establishments have terminated the services of an employee and have given that employee a matter of hours in which to vacate the house in which he was living, because the proprietor was in control of the house.

This situation could be awkward because, having been displaced from a job, such a man would need time to make arrangements, firstly, to obtain another job, and then to decide where to shift to. He then has to make arrangements to move his family. A representative of any company which is in possession of the houses of its employees can give so many hours for the worker to vacate the premises if he, the representative, decides to be nasty. I am not speaking of something which could happen but of something which has definitely occurred, because I know of such instances and could name them. Fortunately I have not known of any cases in recent years; but I know it did occur a few years ago.

Clause 20 of the agreement is not new to us, because it has been included in a previous Bill here. It deals with prices and is as follows:—

> The State will not at any time by legislation regulation order or administrative action under any legislation of the said State as to prices prevent processed iron ore produced by the Company under this Agreement from being sold at prices which will allow the Company to provide for such reasonable depreciation reserves and return on the capital employed in the production of the processed iron ore as are determined by the Company.

There are two features of that clause which I can envisage. In this country, in time of war, it was found necessary to control the price of goods and especially strategic goods; but this provision intends to take that right away from any future Government of this State. The clause provides that the company, not anyone else, shall determine the price.

However, we know the law provides that no Government has the power to bind future Governments in such a manner. I base that assumption on information given by the Attorney-General when, on the 20th September last, the Leader of the Opposition asked him the following question:—

> In what circumstances, if any, is the Parliament of Western Australia constitutionally entitled to pass a law or part of a law which would bind absolutely future Parliaments in respect of such law or part of a law?

The Attorney-General replied as follows:—

> No specific instance is mentioned by the honourable member, but the rule is that Parliament may pass a law which purports to bind future Parliaments; but, subject to section 5 of the Colonial Laws Validity Act, 1865 (Imperial), that law may be repealed by any subsequent Parliament.

I only hope that that answer is correct, because it seems entirely wrong that any Parliament could bind future Parliaments in regard to their legislation. However it appears that this Government is very anxious to include in Bills and agreements provisions which would, under certain sets of circumstances, prevail for all time. Irrespective of whatever future generations may think and whatever future Governments are returned here, we could have a Government returned on the policy and the platform of controlling prices. Yet this Government seeks to nullify what could be the people's wish in future years.

This agreement is also extraordinary in the fact that it entirely eliminates the obligation on the company to obey the provisions of the Mining Act in regard to labour covenants. We know that large areas are held, and have been held for many years, where mining alterations have been carried out; and the Mining Act lays down that so many men shall be employed for a certain area of ground held. That has not arbitrarily been in force, because of a provision in the Mining Act that, for the better operation of a company, and to suit its convenience, a company can place a case before the mining warden and ask for those provisions to be lifted. A company may have a concentration of labour in a particular part of its leases for six months or 12 months as the case may be; and at the end of that time, if it suits the company, it can apply for an extension of the dispensation.

I have not known of any refusal. These matters are brought up in the wardens' courts from time to time on the mining fields, and those extensions are never refused. However, the provision in the Bill that the company shall be bound to mine so much ore in a given time may warrant the setting aside of those later covenants, and it may be a better way of controlling the operations of a company which may hold a large area of combined leases.

I do not altogether quarrel with that. I know that the provisions of the Mining Act have operated successfully for well over half a century, and I have never heard any complaints about them. But, as I say, it may turn out, in a new industry such as this where large quantities of material are handled, that it is better to say that the company shall treat such and such a quantity in a given time. I have no quarrel with that; I just mention it in passing.

There is one point of which I would like the Minister to take note. I observe that the company will have the right to remove the slag that is left behind after the operation of producing this ore, and dump it on the area from where the mineral has been removed. I am sure that many of us have visited places where iron ore has been treated, and have been struck by the dismal outlook around such places. Even Wundowie—although my Leader may contradict me here—does not look a bright sort of place, because of the nature of the work that goes on; and it would be impossible, I suppose, for it to be otherwise.

I think that something more is required than allowing the company to take the refuse from the treatment mill and spread it over the countryside in the area from where the iron ore was removed. Something should be done to put a layer of soil over the area. The alumina Bill provides that where the bauxite mineral is removed, topsoil has to be taken and spread over the area in order that pine trees can be planted, with the object of not leaving a raw scar on the countryside.

If the mineral operations develop to the extent envisaged in this Bill, and up to 35,000,000 tons of iron ore is removed—and we have been told this varies in depth from 3 feet to 7 feet—we can readily envisage devastation over quite a large area. Even when we are told that this area is scrub land, it would still look far better as scrub land than it would after the ground had been torn up and the iron ore removed; and the placing of slag in place of that scrub will do nothing to enhance the beauty of the countryside. I feel that some form of fill should be placed over the top of the slag in order to encourage growth—even if it is just scrub—in this area.

I consider it is a very wise precaution to have the industry established away from an area where people will be living. However, I am alarmed at the statement made by the Minister for Industrial Development that it is a dusty industry; because this will mean that people engaged in it will suffer very severely in health. Dust does not, of course, worry anybody very much except the inconvenience of it; but when we are told that there is a high silica content in this iron ore we realise it will be very dangerous dust.

We know that silicosis can be contracted in an area which is apparently free from the dust; but when fine particles of silica are floating in the air it is not long before people contract silicosis which, as everybody knows, is a very serious and progressive disease of the lungs.

When I interjected on this point, the Minister hastily assured the House that a wet process would be carried out by the company. He said that the type of processing that would be carried out would involve a wet process. That, of course, does not mean very much. Wet processes have been carried out for very many years on the goldfields in connection with the crushing of ore; and we have found that this process is not enough.

It is not enough to pour water over the mineral or the rock that contains the silica. Water does not suppress it. It has been found that very tiny globules of water can carry a speck of this silica dust, and this silica dust can be carried in the form of a fog vapour. In the mining industry it is an offence to allow fog vapour to percolate through the mine; and it is also an offence to allow fog vapour to percolate around the plant. This is due to the fact that because a wet process is employed it does not mean to say that people's health is protected.

I know, of course, that the provisions of the Mines Regulation Act will apply to this industry—unless the Minister contradicts me I assume that that will be so—which provides safeguards, and for tests to be taken to see that everything is done to keep the silica hazard to a minimum.

I may have misunderstood the Minister but I thought, when he mentioned silica, that he said it was in large particles and would not be any danger to health. However, I would quickly point out to the Minister that once mining operations are started, and the refining takes place, there is not only the crushed ore but also the crushed silica; and the silica is quickly reduced from large particles to small particles, in the same way as any other material is reduced in size when it goes through a similar operation. It is inevitable that wherever silica is present, either in a mineral or a rock, and it is crushed and treated, either by roasting or some other treatment, the silica is liberated in small particles which are inhaled and cause damage to the lungs.

I only hope that the industry, as envisaged, will become an established fact. My only regret is that an integrated iron and steel industry cannot be established in the south-west. I hope that as time goes by one can be established; but I know that there are difficulties in the way, such as a lack of economic fuels. But let us hope that some day something that can be used to provide a cheap fuel will be discovered, either coal deposits of a better quality, which will lend themselves to coking, or perhaps some other economic fuel. It may be possible to establish a charcoal iron industry. It would be good to see an industry of that type established in conjunction with this industry.

It is a pleasing corollary that in conjunction with these projected works a harbour will be constructed somewhere in the vicinity of the Blackwood River, if not right in the Blackwood River itself. This will give us another port for the south-west although, probably, the Minister for Lands will say that the south-west is at present well served with ports. But it

seems to me that when one travels through the south-west one often hears people bewailing the fact that the Busselton port is not all that it should be. However, I do not want to enter into an argument on that subject.

Mr. Bovell: I think you might start an argument if you do.

Mr. MOIR: It must be remembered that many years ago there was a good port, or a reasonably good port, at Hamelin Bay, from which many thousands of tons of timber were shipped. The old jetty, of course, has gone now—one can see only the remains of it today—but at one time it was quite an important port, and I am told that many ships used to call at Hamelin Bay not only to unload supplies but also to transport timber to places on the other side of the world.

Let us hope that the harbour to be established at the Blackwood River will be used in a similar way; because, undoubtedly, the lower south-west has nowhere near reached its production peak; and, as the years go by, those areas will be producing many commodities, and it would be beneficial to have another harbour in that area so that the goods could be shipped away.

I am hoping that the industry will develop to the extent that it will provide a good deal of employment in the area. If we pause to think for a moment we will realise that a good deal of Australia has been settled and developed because of mining operations being carried on in various parts of this country. I do not think the development of Australia would have progressed as much as it has done had it not been for the discovery of gold in the Eastern States during the last century; and I am sure that this State would not have progressed as much as it has done had it not been for the gold discoveries at the end of the last century and early in this century.

Mining operations attract large numbers of people not only to work in the mines but also to provide the other necessary facilities. As the mining operations dwindle away—and quite often before that time—people leave the industry for some other occupation. They see opportunities in the vicinity, such as farming or the opening up of some other industry in the district, and they take advantage of those opportunities and obtain other employment.

All this means more employment opportunities and more people living in the areas being opened up. That is what we in Western Australia desire—more people to come to this country and develop it; more people to work and deal with the large natural resources that we have in this State.

MR. COURT (Nedlands—Minister for Industrial Development) [10.7 p.m.]: I shall deal with the comments of the member for Boulder in the order in which he made them. First of all, if I remember correctly, he referred to this agreement as being a rather extraordinary one. I do not disguise the fact that it is unusual; and I made that very clear when I introduced the Bill. In fact, I went to great pains to explain that this Bill was a very difficult one to draft; and it could, in fact, be a pattern for many more agreements written in this Sate in the future as we start to exploit more of our natural mineral resources.

As we go beyond some of the more obvious deposits and the more obvious types of minerals there will be some in respect of which we will want to encourage people to have a go, and we will have to give them the protection they need so that they will use their capital and their initiative to give these minerals a try, especially the low-grade minerals. In such cases we have to give the people concerned some security in the form of an agreement which specifies their rights after they are successful in their preliminary work.

If the honourable member studies the alumina agreement he will realise that it was written in exactly the same form. It so happened that providentially Western Aluminium No Liability was able to do a deal with Alcoa in sufficient time for me to be able to tell the House that the project would be proceeded with at a much greater rate than was envisaged when the original negotiations took place. Therefore the first phase of its agreement was virtually completed—not legally, but in practice—when the agreement came before this Parliament; and, of course, it made it less obvious that there would be two distinct phases in that particular agreement. In fact, when the agreement was drafted we drew very heavily on the forms that were used for the draft of the Scott River agreement, because we had the experience of negotiating with Mineral Mining and Exports (W.A.) Pty. Ltd., and Heine Bros. (Australasia) Pty. Ltd.

There is a very good reason why the agreement had to be drawn up with lots of "ifs" and "ands," and have in it two distinct phases. There is a tremendous capital commitment involved if this company goes to the second phase. Obviously it would be very difficult for a company of this size and this type to arrange all that money on its own, and it will have to seek that extra capital, as well as the know-how; and the markets in other countries and the other States of Australia. It was made very clear to us that it would be useless for these people to go abroad with purely the rights to the temporary reserves and with no clear-cut indication of what their rights would be if they were successful in the proving stage.

It must be realised that we have something in the ground at the moment which is valueless. It is completely different from high-grade iron ore. This limonite deposit

is a low-grade one. It has no immediate export potential in its present form, and it could stay there for 100 or 200 years for that matter; but it is not costing us anything to give this company a clarification of its rights after it has proved phase one. During this period we incur no commitments whatsoever. It is the company that has to make the commitments and use its funds, its energy, and its know-how to try to get over phase one successfully.

Another reason why it was imperative that we should draw up an agreement to clarify the position was that there had been tremendous speculation regarding the future of this area. Some claims were made about the size of this deposit and the size of the industry which were extravagant, and the Government felt it was important to clarify, in the minds of the local people particularly, just where the industry was heading and just what was involved in proving phase one before phase two could be undertaken; and, if for no other reason, it was important that the Government should clarify for this company and for the benefit of all concerned what the project involved.

The honourable member criticised the size of the works site. It does seem a large area; but if this industry is successful, 867 acres is not going to be excessive in the circumstances. From all the research we could make, it is an industry which is going to involve a tremendous spread of plant; and, furthermore, it is in an area where land, at the moment, is worth very little. It is not as though we are giving the company an area which is worth £1,000 an acre. It is Crown land in the main; and it was felt it was very desirable that, at this stage, while there is no development in this particular location, we should give it an area of sufficient size so that, should further development encroach around this area, the plant itself will be reasonably isolated.

Having regard to the low value of the land in this particular location, and having regard to the fact that it did not involve resumption so far as the greater part of the works site is concerned, it was felt desirable to agree to the company's request. I am afraid we have to change our ideas in regard to the areas of land that are granted to these industries. We know that the B.H.P. at Kwinana has an area of about 529 acres, which is not a large site. Quite frankly, I will be extremely disappointed if, in another 20-odd years—if I am still alive by then—B.H.P. has only used the 529 acres at Kwinana, because that would mean that the industry had not grown as big as we would like it to. Further, we have Newcastle, with 1,600 acres, bursting at the seams, and also Port Kembla, with 2,300 acres—or the best part of 3,000 acres —which is in the same position.

That is the modern trend of industries that have to handle tremendous tonnages. I know the honourable member was referring to the goldfields, but the processing there is entirely different to the processing at some industries, such as the iron and steel industry in its various forms.

The honourable member was also critical of the date of 1962 by which time notice has to be given; and the qualification in the agreement that it could be extended to an agreed later date.

When an agreement such as this is drawn, involving so many features, the year 1962 is not very far off. Agreements are agreements; and if the date of 1962 is set and that time arrives, and there is no elasticity for negotiation, a difficult situation could arise. The reference to "or some later date" is necessary in the agreement to allow some elasticity should the situation arise. The honourable member was also critical of my reference to the trend that is taking place in the metal world today in respect to processed iron ore.

I know the reference which appeared in the Press might have been misleading if one did not hear the whole of the text. If one takes the text out of *Hansard*, I think it is made clear that there is a trend in some of these highly-industrialised countries to look for processed minerals; but that, of course, does not mean to say that they are going to stop importing huge tonnages of raw material. The trend will be, if they are going to import raw ore, to seek the highest possible grade. Deposits like the Mt. Goldsworthy deposits, where it has been proved that it is 60 per cent. iron content, is the type of deposit they will concentrate upon.

In order to prevent their problem getting beyond certain limits and having to have excessive harbour and bulk handling facilities, they will draw a line and say that beyond that point they will import, where possible, partly-processed ores. Therefore, the outlook for deposits such as the Mt. Goldsworthy and Tallering Peak deposits is still as bright as ever. Superimposed on these high-grade iron deposits will be a demand for processed materials.

That is a trend that is taking place and, even as late as this morning, in talking to one of the principals of the company with which this agreement has been negotiated, I was told that in discussions last week in Japan they were all emphasising the need for a proportion of their furnace material to be brought into Japan in the form of partly-processed ores.

On the question of housing I want to explain to the House that the reason why, in the agreement, it was insisted that the company enter into a long-term lease, was to make sure that the Government did not build a large number of houses in this area, and then, in the event of the industry folding up later on, the Government be left with a number of houses from which it could not get an economic return.

The company is committed to taking this land on a long-term lease and to being responsible for all the rents of the houses. It will, of course, have control of the tenancy; but I think we have to assume that under the modern landlord and tenant arrangements that exist, a worker tenant occupying one of these houses would not be treated in any worse fashion than if he were in an ordinary house owned by a private firm or individual. The days when people are thrown out of their homes at a minute's notice have gone. The old days to which the honourable member referred, when one could take out a distraint for rent, have gone.

The price clause was the subject of criticism, but I suppose it always will be a subject of criticism from members on the other side of the House. However, the fact remains that this type of agreement cannot be drawn if the company has no protection, and if it is going to get its capital from the United Kingdom, the Continent, or Japan, as the case may be.

One cannot get a company to sign an agreement such as this unless it is protected against future administrations. That is the significance of it. After all is said and done, it is dealing in a commodity which is not an ordinary consumer commodity. If it were shirts, or boots, or suits, or food, or something like that, it would be different. But this is a commodity which, in the main, will be exported to another country; and even if it were consumed within Australia, then it would still not have the same effect on the community as it would if it were some everyday necessity in the way of food or clothing. If we are not prepared to sign agreements with this type of clause in them we will not be able to negotiate these agreements.

On the question of the Mining Act provisions, I think the honorary member really hit the nail on the head when he said that in this type of industry it may be necessary to employ a new yardstick. That is exactly what is being done. The yardstick employed is minimum tonnages within prescribed periods. If that is being achieved it means we have the investment and the employment in this industry. I do not think we can expect any more.

It does give us a form of control over the leases, and a form of control over the company to see that it is actively working the leases. After all, that is the main purpose in demanding conditions to ensure that somebody has not a valuable State asset and is locking it up and doing nothing about it. In this agreement it has been made abundantly clear by our negotiations overseas that the only yardstick that can be used is that of tonnages measured against prescribed periods.

The question of restoration of the ground has been very carefully considered. It would be impracticable to insist that this company make a complete fill and cover the silica that would be returned with, say, a complete layer of soil. The task would be physically impossible. I do not know where it would get the material to do it, for one thing. The demand placed on the company for the restoration of the area is reasonable and as much as we can expect. If members saw the country from which this ore is to be taken, they would appreciate that the company is making quite a contribution in replacing and backloading the silica and other material from the works into the area from where the ore will have been taken.

On the question of dust, the honourable member can be assured that this industry is completely covered under the existing statutes; and my reference to a dusty industry was more in respect of the neighbours rather than the people actually working in it and referred to the smoke and dust from the actual stacks and so on. The company, as I explained when introducing the Bill, has undertaken that it will do all it can to keep down industrial hazards; and in any case they are covered by industrial law.

The reference to the charcoal iron industry is pertinent, because we hope that the processed iron ore which comes from this plant will be used at least to an extent within Western Australia as furnace feed. If it is successful, there is no reason why it cannot develop a major industry in that area, using this processed iron ore as its feed. It is one of the ambitions of this company to do just that.

It also has the ambition to try to sell some of the product, when it is successful, to the Australian steel industry; and in the final analysis that is better than exporting it, because it means that one of our low-grade deposits which is completely valueless in the ground is being technically and economically used, and is thus helping to conserve our high-grade deposits. Every ton of low-grade ore that is used internally will help to relieve the strain on our high-grade deposits, with an economic advantage to Australia in the long term.

I thank the honourable member for the detail with which he examined the agreement. I think it is a very good thing that these agreements should be critically examined, because they are important, and we are writing them for a long time. We hope that this industry will succeed and live up to the aspirations of the people promoting it, of the Government that has written the agreement, and of the Parliament that is ratifying it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 10.27 p.m.